COMPLIANCE & ENFORCEMENT HANDBOOK

Version - 12/1/03

TM-02-01

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
POLICY MEMORANDUM

ORIGINAL ISSUE DATE: August 30, 2002

LATEST REVISION DATE: August 30, 2002

TO: All ADEQ Employees

FROM: Jacqueline E. Schafer, Director

SUBJECT: ADEQ Compliance and Enforcement Policy (Compliance & Enforcement Handbook)

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

PURPOSE: To promote appropriate, consistent, and timely enforcement of Arizona's environmental statutes and rules in a manner that is transparent to all who are affected, including the regulated community.

POLICY: Attached is the Compliance and Enforcement Handbook. This handbook represents the compliance and enforcement policy of ADEQ. The Handbook affirms ADEQ's strong commitment to ensuring compliance and responding appropriately, consistently and timely to instances of non-compliance. The Handbook does not supercede, but incorporates Policy 0010.003 (Compliance and Enforcement Policy).

PERSONS AFFECTED: ADEQ staff involved in the compliance and enforcement activities of the agency.

PROCEDURES: The Compliance and Enforcement Handbook contains the policy and procedures ADEQ will normally follow when enforcing Arizona's environmental statutes and rules.

RESPONSIBILITY: It is the responsibility of all ADEQ compliance and enforcement staff to follow the policy and procedures in the Compliance and Enforcement Handbook. It is the responsibility of ADEQ compliance and enforcement managers to monitor their staff's adherence to the policy and procedures described in the Handbook. It is the responsibility of the ADEQ Compliance and Enforcement Coordinator, in conjunction with the Compliance and Enforcement Committee, to monitor agency-wide adherence to the Handbook and to recommend revisions to the Handbook.

REVIEW SCHEDULE: The Compliance and Enforcement Handbook will be reviewed on a quarterly basis and revised as necessary.

TABLE OF CONTENTS

TABLE OF APPENDICES
INTRODUCTION
CHAPTER 1: RECENT HISTORY
- *GREGORY V. FOX* CONSENT DECREE (1995)
- REGULATORY REFORM (1998)
  - Inspection Rights
  - Timely Inspection Report
  - Opportunity to Correct Deficiencies
  - Action Updates
- *GREGORY V. SCHAFER* CONSENT DECREE (2000)

CHAPTER 2: COMPLAINT RECEIPT PROCEDURES
CHAPTER 3: INSPECTION PROCEDURES
CHAPTER 4: VIOLATION CATEGORIES
- MINOR VIOLATIONS
- MAJOR VIOLATIONS
- SIGNIFICANT NON-COMPLIANCE (SNC)
- PENALTY NON-COMPLIANCE (PNC)

CHAPTER 5: INFORMAL COMPLIANCE ASSURANCE TOOLS
- COMPLIANCE STATUS LETTER (CSL)
- CAUTION LETTER (CL)
- NOTICE OF OPPORTUNITY TO CORRECT DEFICIENCIES (NOC)
- NOTICE OF VIOLATION (NOV)
- NOTICE OF ENVIRONMENTAL NUISANCE (NEN)

CHAPTER 6: FORMAL ENFORCEMENT TOOLS
- CONSENT ORDER
- COMPLIANCE ORDER/ABATEMENT ORDER
- COMPLIANCE ORDER WITH CIVIL ADMINISTRATIVE PENALTY (Drinking Water)
- ORDER ASSESSING A CIVIL PENALTY (Hazardous Waste)
- LICENSE SUSPENSION/REVOCATION
- CIVIL REFERRAL
  - Temporary Restraining Order/Preliminary Injunction
  - Permanent Injunction/Civil Penalty
  - Consent Judgment/Consent Decree
- CRIMINAL REFERRAL
- BOARD OF TECHNICAL REGISTRATION REFERRAL

CHAPTER 7: ENFORCEMENT ESCALATION PROCEDURES
CHAPTER 8: PENALTY DETERMINATIONS
- GENERAL SETTLEMENT PENALTY OFFER ADJUSTMENT FACTORS
  - Aggravating Factors
  - Mitigating Factors
  - Deterrence Factors
- GENERAL SETTLEMENT CRITERIA
  - Likelihood of Success
  - Relevant Judicial Precedent
  - Ability to Pay Penalty

SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)
STIPULATED PENALTIES
CHAPTER 9: ENFORCEMENT APPROVAL PROCEDURES
NOTICE OF OPPORTUNITY TO CORRECT
NOTICE OF VIOLATION/NOTICE OF ENVIRONMENTAL NUISANCE
NOTICE OF VIOLATION CLOSURE LETTER (WITH NO FURTHER ACTION)
CONSENT ORDER
COMPLIANCE/ABATEMENT ORDER
COMPLIANCE ORDER WITH CIVIL ADMINISTRATIVE PENALTY
LICENSE SUSPENSION/REVOCATION
ORDER ASSESSING A CIVIL PENALTY
TERMINATION OF ADMINISTRATIVE ORDER
TEMPORARY RESTRAINING ORDER/PRELIMINARY INJUNCTION
PERMANENT INJUNCTION/CIVIL PENALTY
CIVIL SETTLEMENT
CRIMINAL REFERRAL
BOARD OF TECHNICAL REGISTRATION REFERRAL
CHAPTER 10: COMPLIANCE AND ENFORCEMENT TIME FRAMES
CHAPTER 11: SPECIAL PENALTY CONSIDERATIONS FOR SMALL BUSINESSES
SIZE OF PENALTY REDUCTION
PENALTY REDUCTION REQUIREMENTS
CHAPTER 12: SPECIAL PENALTY CONSIDERATIONS FOR SMALL COMMUNITIES
SIZE OF PENALTY REDUCTION
PENALTY REDUCTION REQUIREMENTS
SMALL COMMUNITY ENVIRONMENTAL PROTECTION PLAN REQUIREMENTS
CHAPTER 13: ENFORCEMENT RELATED COMMITTEES
COMPLIANCE AND ENFORCEMENT COMMITTEE
COMPLIANCE AND ENFORCEMENT OVERSIGHT COMMITTEE
CHAPTER 14: SPECIAL ENFORCEMENT CONSIDERATIONS FOR THE UST CORRECTIVE ACTION SECTION
UST CORRECTIVE ACTION ISSUES
STATE ASSURANCE FUND (SAF) ISSUES
State Assurance Fund (SAF) Reimbursement
SAF Pre-approval
Administrative Order Violations
STATE LEAD CORRECTIVE ACTIONS
CHAPTER 15: SPECIAL ENFORCEMENT CONSIDERATIONS FOR SPILLS and PARTICIPATION IN THE VOLUNTARY REMEDIATION PROGRAM
CHAPTER 16: PERMIT INSPECTION CHECKLIST DEVELOPMENT PROCESS

TABLE OF APPENDICES

#	Document Description	Type	Updated	Chapter(s)
B1	Action Update Notification	Boilerplate	9/9/03	1, 3, 15
B2	Compliance Order with Civil Administrative Penalty	Boilerplate	7/1/02	6
B3	Case Development Memorandum for Filing a Civil Complaint	Boilerplate	12/1/03	6, 7
B4	Case Development Memorandum for Negotiating a Civil Settlement	Boilerplate	12/1/03	7
B5	Caution Letter	Boilerplate	9/9/03	5
B6	Order Assessing a Civil Penalty	Boilerplate	7/1/02	6, 7
B7	Complaint Receipt Form	Boilerplate	1/14/02	2
B8	Compliance/Abatement Order	Boilerplate	7/1/02	6
B9	Compliance Status Letter	Boilerplate	9/9/03	5
B10	Consent Order	Boilerplate	12/1/03	6
B11	Criminal Information Transmittal Memorandum	Boilerplate	12/1/03	6
B12	License Revocation	Boilerplate	7/1/02	6
B13	License Suspension	Boilerplate	7/1/02	6
B14	Notice of Opportunity to Correct Closure Letter	Boilerplate	9/9/03	3, 5, 7
B15	Notice of Opportunity to Correct Deficiencies	Boilerplate	9/9/03	3, 5, 7
B16	Notice of Violation (Water Quality Permit Self-Monitoring Violations)	Boilerplate	9/9/03	5, 7
B17	Notice of Violation (Significant and Other Violations)	Boilerplate	9/9/03	3, 5, 7

#	Document Description	Type	Updated	Chapter(s)
B18	Notice of Violation (Significant Violations Only)	Boilerplate	9/9/03	3, 5, 7
B19	Notice of Violation Closure Letter (With No Further Action)	Boilerplate	9/9/03	3, 5, 7
B20	Compliance Documented Letter (Reserving Further Action)	Boilerplate	12/1/03	3, 5, 7
B21	Notice of Violation Cover Letter Language	Boilerplate	9/9/03	3, 5, 7
B22	Notice of Violation Reminder Letter	Boilerplate	9/9/03	7
B23	Notification of Inspection Rights Form	Boilerplate	12/1/03	3
B24	Request for Assignment of an Assistant Attorney General	Boilerplate	12/1/03	6, 7
B25	Termination of Administrative Order	Boilerplate	7/1/02	6, 7
B26	Administrative Order Notice of Violation Cover Letter Language	Boilerplate	1/14/02	3, 5, 7
B27	UST Corrective Action Compliance Documented Letter (Reserving Further Action)	Boilerplate	12/1/03	14
B28	UST Corrective Action Section Consent Order Notice of Violation Cover Letter Language	Boilerplate	1/14/02	14
B29	Administrative Decision Finding Violation of Consent Order and Withholding Payment from the State Assurance Fund	Boilerplate	7/1/02	14
B30	Incident/Spill Report Form	Boilerplate	7/1/02	15
B31	Spill Notice of Violation Cover Letter Language	Boilerplate	7/1/02	15
B32	Voluntary Remediation Program Description	Boilerplate	7/1/02	15
B33	Compliance Documented Letter (for Participation in the Voluntary Remediation Program)	Boilerplate	12/1/03	15

#	Document Description	Type	Updated	Chapter(s)
B34	Notice of Violation (Water Quality Permit Failure to Submit a Self-Monitoring Report Form)	Boilerplate	9/9/03	7
B35	Consent Order with Civil Administrative Penalty	Boilerplate	12/1/03	6
B36	Notice of Environmental Nuisance	Boilerplate	9/9/03	5
B37	Notice of Environmental Nuisance Cover Letter Language	Boilerplate	9/9/03	5
B38	Notice of Environmental Nuisance Closure Letter	Boilerplate	9/9/03	5
B39	Enforcement Action/Settlement Approval Form	Boilerplate	9/2/03	7, 9
G1	Consent Order Negotiation Guidelines	Guidance	8/7/01	6
G2	Hazardous Waste Administrative Penalty Guidelines	Guidance	10/26/00	6, 8
G3	UST Corrective Action Section Addendum to Consent Order Negotiation Guidelines	Guidance	7/1/02	14
L1	Air Quality Major Violations List	Major/Minor List	9/4/03	4, 7
L2	Air Quality Minor Violations List	Major/Minor List	9/4/03	4, 7
L3	Asbestos NESHAP Major Violations List	Major/Minor List	1/14/02	4, 7
L4	Drinking Water Major Monitoring and Reporting Violations List	Major/Minor List	9/4/03	4, 7
L5	Drinking Water Major Violations List	Major/Minor List	9/4/03	4, 7
L6	Drinking Water Minor Violations List	Major/Minor List	9/4/03	4, 7
L7	Hazardous Waste Major Violations List	Major/Minor List	9/4/03	4, 7
L8	Hazardous Waste Minor Violations List	Major/Minor List	9/4/03	4, 7

#	Document Description	Type	Updated	Chapter(s)
L9	Reuse of Reclaimed Water Major Violations List	Major/Minor List	9/4/03	4, 7
L10	Reuse of Reclaimed Water Minor Violations List	Major/Minor List	9/4/03	4, 7
L11	Solid Waste Major List	Major/Minor List	9/4/03	4, 7
L12	Solid Waste Minor List	Major/Minor List	9/4/03	4, 7
L13	UST Inspections & Compliance Major Violations List	Major/Minor List	9/4/03	4, 7
L14	UST Inspections & Compliance Minor Violations List	Major/Minor List	9/4/03	4, 7
L15	Vehicle Emission Inspections Major List	Major/Minor List	9/4/03	4, 7
L16	Vehicle Emission Inspections Minor List	Major/Minor List	9/4/03	4, 7
L17	Water Pollution Control Major Violations List	Major/Minor List	9/4/03	4, 7
L18	Water Pollution Control Minor Violations List	Major/Minor List	9/4/03	4, 7
L19	Water Quality Permit Caution Level Violations List	Major/Minor List	7/18/01	4, 5, 7
L20	Water Quality Permit Major Violations List	Major/Minor List	7/18/01	4, 7
L21	LUST Enforcement Major Violations List	Major/Minor List	1/14/02	4, 7
L22	Biosolids Minor Violations List	Major/Minor List	4/1/03	4, 7
L23	Biosolids Major Violations List	Major/Minor List	4/1/03	4, 7
L24	Environmental Nuisance Conditions List	Major/Minor List	4/1/03	4, 7
L25	Operator Certification Major Violations List	Major/Minor List	4/1/03	4, 7
M1	Agency Activities Exempt from Inspection Procedures	Miscellaneous	7/31/98	1, 3

#	Document Description	Type	Updated	Chapter(s)
M2	Enforcement Authorities Table	Miscellaneous	7/1/02	6
M3	*Gregory v. Fox* Consent Decree	Miscellaneous	12/2/93	1
M4	*Gregory v. Schafer* Consent Decree	Miscellaneous	3/13/00	11
M5	Inspection Authorities Table	Miscellaneous	7/1/02	3
M6	Opportunity to Correct Implementation Letter	Miscellaneous	2/7/00	11
M7	Potential Arizona Legal Authorities/Violations Associated with Spills	Miscellaneous	7/1/02	15
M8	Summary of Enforcement Approval Procedures - Phoenix Office	Miscellaneous	12/1/03	9
M9	Summary of Enforcement Approval Procedures - Regional Offices	Miscellaneous	12/1/03	9
P1	Administrative Hearing Procedures for Delegated Programs Policy	Policy	5/9/97	6
P2	Civil Penalty Policy	Policy	8/4/94	8
P3	Compliance and Enforcement Policy	Policy	5/11/00	11
P4	Drinking Water Section Application of Penalty Policy	Policy	11/30/95	8
P5	Intake Procedures for Taking Complaints Alleging Violations of Rule or Statute	Policy	5/11/00	2
P6	Criminal Information Transmittal Policy	Policy	2/9/96	6, 9
P7	RCRA Civil Penalty Policy	Policy	5/30/98	8
P8	Inspection Procedures Policy	Policy	7/31/98	3
P9	Site Access Policy	Policy	3/3/97	3
P10	Enforcement Waiver Policy (Small Business)	Policy	5/1/98	11

#	Document Description	Type	Updated	Chapter(s)
P11	Notification Policy For Local Governmental Agencies	Policy	4/24/98	7
P12	Drinking Water Program Sanitary Survey Policy	Policy	1/17/97	3
P13	Compliance and Enforcement Committee Policy	Policy	5/9/97	13
P14	Enforcement of Annual Emissions Inventory Questionnaire Policy	Policy	2/4/99	7
P15	Water Quality Compliance Enforcement Escalation Policy	Policy	10/20/00	7
P16	Compliance and Enforcement Press Policy	Policy	10/12/96	7
P17	Reporting Requirements for Public Water Systems Policy	Policy	9/25/96	7

INTRODUCTION

The purpose of this handbook is to promote appropriate, consistent and timely evaluations of compliance and initiation of enforcement by the Arizona Department of Environmental Quality (ADEQ). This handbook describes a uniform system for pursuing and escalating enforcement. It serves as a road map for new ADEQ compliance and enforcement staff, and a desk reference for those with more experience. It also provides guidance to those local authorities that have undertaken compliance and enforcement responsibilities through a delegation agreement with ADEQ. All of the concepts within ADEQ's Compliance and Enforcement Policy, along with a number of other ADEQ compliance and enforcement related policies, have been incorporated into this handbook either explicitly or through the development of boilerplate.

Although ADEQ strives to respond to every instance of non-compliance, such action is not always feasible or appropriate. Furthermore, not every violation needs to be met with an identical response, but rather a response that is commensurate to the violation. An analogy is often drawn between the various types of enforcement options and a craftsman's tools. Like a craftsman, ADEQ must choose the right regulatory tools when building an enforcement case. This handbook describes the regulatory tools available to ADEQ and how ADEQ will use them to craft a credible and effective enforcement presence in Arizona.

This handbook is neither a final agency action nor a rule, but intended solely as guidance. It is not intended, nor can it be relied upon, to create any rights enforceable by any party. Although intended to provide consistency, nothing in this handbook is intended to limit the enforcement discretion of ADEQ. Case-specific deviations from this handbook are permitted with prior approval from the appropriate ADEQ division director. Failure to follow this handbook will not prevent ADEQ from bringing an enforcement action that is otherwise appropriate to the violation.

To make this handbook easier for staff to use as a desk reference, information useful on a day-to-day basis has been included as an appendix. A table listing the date of the most recent version of each appendix can be found in the Table of Appendices. This table will be updated as modifications to the appendices are made. The following identifiers have been used in this handbook to indicate references to the different types of appendices:

Appendix:	Denotes a miscellaneous document that has been included as an appendix.
Boilerplate:	Denotes a boilerplate that has been included as an appendix.
Guidance:	Denotes a guidance document that has been included as an appendix.
ICE:	Denotes a required entry in the Inspections, Compliance and Enforcement (ICE) database.
Policy:	Denotes an ADEQ policy that has been included as an appendix.

CHAPTER 1: RECENT HISTORY

The following is a brief summary of several significant events that have influenced ADEQ's implementation of its compliance and enforcement responsibilities. These events in no way represent the entire history of environmental enforcement in Arizona, but rather are included in this handbook because they have laid the groundwork for the compliance and enforcement policies developed by ADEQ.

GREGORY V. FOX CONSENT DECREE (1993)

In 1993, the Arizona Center for Law in the Public Interest, on behalf of the Sierra Club and Michael Gregory, filed a civil action against ADEQ alleging that ADEQ had failed to exercise its then non-discretionary duty to enforce Arizona's water quality protection laws.[1] Without resolving the allegations, both parties agreed to settle the matter by entering into a court sanctioned Consent Decree. This Consent Decree, commonly referred to as *Gregory v. Fox*, applied almost exclusively to ADEQ's water quality program by describing a very prescriptive method of enforcement of Arizona's water pollution laws. For example, the Decree required ADEQ to issue a Notice of Violation (NOV) for *all* water quality protection violations and to escalate enforcement for *every* violation not resolved through an NOV. Although not required to do so under the Consent Decree, ADEQ chose to implement the requirements of the Decree throughout the Agency as a matter of policy. The resulting policy, known as the *Compliance and Enforcement Policy* established the baseline for enforcement throughout the entire Agency.

Appendix: The *Gregory v. Fox* Consent Decree can be found as Appendix M3.

REGULATORY REFORM (1998)

As part of regulatory reform in 1998, Arizona enacted several provisions that have significantly impacted ADEQ's compliance and enforcement activities. Codified at A.R.S. § 41-1009, the regulatory reform requires ADEQ (and all other state agencies) to provide inspection rights before an inspection, a timely inspection report following the inspection, an opportunity to correct certain non-significant deficiencies discovered during the course of an inspection, and updates on actions that will be taken after the inspection. Violation of A.R.S. § 41-1009 not only constitutes cause for disciplinary action or dismissal, but also must be considered by a court as grounds for reduction of a civil or administrative penalty.[2] A description of each of these requirements along with how ADEQ has implemented the provisions is outlined below.

By law, the applicability of these statutory requirements is limited to inspections performed at a facility in connection with the issuance of a license or to determine compliance with licensure

---

[1]The Arizona Revised Statute that was the basis for the original lawsuit has since been changed. ADEQ's enforcement of water pollution protection laws, like all other enforcement, is now discretionary.

[2]These ramifications do not apply to deviations from ADEQ's policy which significantly broadens the types of inspections that are subject to the A.R.S. § 41-1009 A.R.S. § 41-1009 procedures.

requirements. As a matter of policy ADEQ has nevertheless applied the requirements in A.R.S. § 41-1009 to all field inspections it performs, with few exceptions.[3]

Inspection Rights

Pursuant to Subsections (A) and (B) of A.R.S. § 41-1009, agencies are required to provide a detailed explanation of a regulated person's rights both verbally and in writing before conducting an inspection. Furthermore, the agency must make an attempt to get a representative's signature indicating that the agency has provided the required written explanation of rights. ADEQ has implemented this requirement by developing a form to be used by inspectors when conducting an inspection.

Boilerplate: The boilerplate Notice of Inspection Rights form can be found as Appendix B23.

Timely Inspection Report

Pursuant to Subsection (D) of A.R.S. § 41-1009, agencies are also required to provide a copy of an inspection report either at the time of the inspection or within 30 working days of the completion of the inspection. The Inspections Compliance and Enforcement (ICE) database allows ADEQ to monitor the time taken to issue inspection reports very closely. Managers are expected to regularly generate reports indicating compliance with this provision.

Opportunity to Correct Deficiencies

Pursuant to Subsection (E) of A.R.S. § 41-1009, an agency may provide an opportunity to correct those deficiencies discovered during the course of an inspection, so long as the deficiency is not committed intentionally, can be correctable within a reasonable amount of time, is not evidence of a pattern of non-compliance and does not pose a risk to any person, the public health, safety or welfare or the environment. ADEQ has implemented this concept largely through the development of lists of minor and major violations to be used in determining when to allow an opportunity to correct deficiencies versus issuance of a Notice of Violation. Furthermore, ADEQ has chosen to implement the "may" in A.R.S. § 41-1009, as a must, as a matter of policy. ADEQ will provide an opportunity to correct for those violations that are unintentional, can be corrected in a reasonable amount of time, are not a repeat violation, and are on the list of minor violations. A detailed discussion of the types of violations and associated lists can be found in Chapter 4 (Violation Categories).

On February 7, 2000, ADEQ issued a letter describing how it would implement the opportunity to correct provisions of A.R.S. § 41-1009. In this letter ADEQ stated that it would provide an opportunity to correct where a violation does not create a significant risk to any person, the public health, safety or the environment and that ADEQ considers a significant risk to include the reasonable probability of a material harm to any person, the public health, safety, welfare or the environment, or the inability to assess whether there is a reasonable probability of material harm

[3] A list of the inspections ADEQ has exempted from its policy decision can be found in Appendix M1.

as a result of the violation. These concepts were used to develop the lists of major and minor violations that are included as appendices to this handbook.

Appendix: The February 7, 2000 letter can be found as Appendix M6.

Action Updates

Pursuant to Subsection (H) of A.R.S. § 41-1009, state agencies must provide regulated persons an update on the status of any action resulting from an inspection at least once every month following the inspection. The agency may stop providing updates once the regulated person is notified that no action will result or after the completion of an action resulting from the inspection. ADEQ has developed a boilerplate action update letter and will regularly monitor the monthly update deadlines using the ICE database.

Boilerplate: The boilerplate Action Update Letter is Appendix B1.

GREGORY V. SCHAFER CONSENT DECREE (2000)

In 2000, the parties to the *Gregory v. Fox* Decree agreed to a five year extension due to a dispute over whether or not ADEQ had strictly complied with the original Decree. The new Decree, known as *Gregory v. Schafer*, includes some significant modifications to the original Decree. First, it recognizes ADEQ's responsibilities under the newly adopted regulatory reform requirements mentioned above. Second, and more importantly, the new Decree recognizes ADEQ's need to exercise its enforcement discretion in a responsible manner. As a result, the new Decree explicitly allows prioritization of enforcement by only requiring ADEQ to issue NOVs for those water pollution control violations that are significant.

Another Consent Decree requirement worth noting is ADEQ's commitment to create and maintain a comprehensive multi-media tracking log for compliance and enforcement activities. Initially, this led to the establishment of a paper repository for tracking all of ADEQ's enforcement actions. Ultimately this resulted in the establishment of the Inspection Compliance and Enforcement (ICE) database used by ADEQ to track all compliance and enforcement activities within the agency.

Once again, and even though not required, ADEQ decided as a matter of policy to apply the concepts in the *Gregory v. Schafer* Consent Decree to the entire agency by amending the agency-wide Compliance and Enforcement Policy. These concepts are now incorporated into this handbook.

Appendix: The *Gregory v. Schafer* Consent Decree can be found as Appendix M4.

Policy: The Compliance and Enforcement Policy can be found as Appendix P3.

CHAPTER 2: COMPLAINT RECEIPT PROCEDURES

As part of the regulatory reform in 1998, Arizona adopted A.R.S. § 41-1010 which requires that an individual who reports a violation of law or rule to an agency disclose his/her name to that agency. A.R.S. § 41-1010 also provides that the complainant's name be kept as a public record unless that agency determines that the release of the complainant's name may result in substantial harm to any person or to the public health or safety.

In order to ensure consistent implementation of A.R.S. § 41-1010, ADEQ employees must adhere to the procedures set forth below in handling all reports where the complainant or informant is alleging a violation of law or rule. As a result, only those employees that are familiar with these procedures should receive complaints.

STEP 1: Introduction
Upon becoming aware that a person wishes to make a complaint, the ADEQ employee must state his/her name, job title, ADEQ division, section and unit.

STEP 2: Get Complaint Information
The ADEQ employee should then obtain and document information regarding the violation, asking any appropriate follow-up questions. When asking for information, ADEQ should request documentation verifying the complaint information. Verifying documentation may include photographs, documents, other witnesses, etc.

STEP 3: Inform Complainant of Procedure
After obtaining the relevant information the ADEQ employee must notify the complainant that: "Arizona law requires you to provide your name during the course of reporting an alleged violation of law or rule. Under the law, your name will be placed in the public file unless the release of your name may result in substantial harm to any person, including yourself, or to the public health or safety. However, if you intend on remaining anonymous, ADEQ may not force you to identify yourself."

STEP 4: Ask for Complainant's Name
The ADEQ employee must then ask for the complainant's name and whether any harm could come to complainant, another person, or the public if the complainant's identity were to become public. If the complainant makes a legitimate claim of potential harm, the ADEQ employee may state that the complainant's name will initially be placed in a confidential file, but that ADEQ cannot guarantee that ADEQ will be able to keep the complainant's identity confidential.

STEP 5: Document Claimed Harm
If the complainant indicates potential harm exists, the employee must obtain and document all the information regarding such harm, using follow-up questions as necessary. The employee should be specific about what the complainant is worried about, what would happen if the

complainant's identity were to become public, and/or what the complainant thinks would happen.

The ADEQ employee must not place the name in the public record if the complainant alleges substantial harm, until after consultation with a manager, ADEQ's Special Counsel, and/or the Attorney General's Office.

STEP 6: Get Complainant Phone Number

If the complainant provides his or her name, the ADEQ employee should ask for a telephone number so that the complainant can be contacted for further information regarding the complaint or any claim of harm.

All complaints involving potentially criminal activity should be referred to the Attorney General's Office as soon as possible using the procedures described in Chapter 6 (Formal Enforcement Tools) and Chapter 9 (Enforcement Approval Procedures). Furthermore, after obtaining the relevant information, the ADEQ employee may suggest that the complainant contact the Environmental Enforcement Section of the Arizona Attorney General's Office at (602) 542-8500.

Boilerplate: The boilerplate Complaint Receipt Form can be found as Appendix B7.

Policy: The Intake Procedures for Taking Complaints Alleging Violations of Rule or Statute Policy can be found as Appendix P5.

ICE: All complaints received by ADEQ must be logged in the ICE database

CHAPTER 3: INSPECTION PROCEDURES

Although the primary purpose of an ADEQ inspection is to evaluate compliance with environmental laws, including rules and permits, it also serves as an opportunity for ADEQ to promote pollution prevention and compliance by offering technical assistance. As a result, ADEQ strives not only to identify all instances of non-compliance, but also to identify opportunities for pollution prevention and actions that might be taken to avoid future non-compliance. ADEQ will differentiate between requirements and recommendations both during the inspection and within the inspection report.

Appendix: A table describing ADEQ's authorities to conduct inspections can be found as Appendix M5.

Policy: The Inspection Procedures Policy can be found as Appendix P8.

Policy: The Drinking Water Program Sanitary Survey Policy can be found as Appendix P12.

By law,[1] the inspection procedures described in A.R.S. § 41-1009 and outlined below do not apply to:

- Inspections where ADEQ has a reasonable suspicion to believe that the regulated person is engaged in criminal activity.
- Inspections that are not necessary for the issuance of a license, or to determine compliance with licensure requirements.

Pursuant to ADEQ policy, though, the inspection procedures described in A.R.S. § 41-1009 and outlined below apply to all instances where an ADEQ employee will be conducting an inspection to determine:

- Compliance with a license (permit);
- Eligibility for a license (permit); and
- Compliance with environmental statutes, rules, orders, judgments or decrees.[2]

Appendix: A list of those agency activities that are exempt from ADEQ's policy of following the A.R.S. § 41-1009 inspection rights procedures can be found as Appendix M1.[3]

---

[1] *See* A.R.S. § 41-1009(J)

[2] As mentioned previously in the discussion of regulatory reform, A.R.S. § 41-1009, does not apply to compliance and enforcement inspections that do not concern license compliance or eligibility (*see* A.R.S. § 41-1009(J)). As a matter of policy, though, ADEQ believes that it is in the best interest of the public and the agency that all ADEQ compliance and enforcement inspections conform with A.R.S. § 41-1009.

[3] Other exempt activities may be added to the list by filing a written request with the Office of Special Counsel.

Although intended to provide consistency, these procedures are not intended to limit the enforcement discretion of ADEQ. Case-specific deviations from these procedures are permitted with prior approval from the appropriate ADEQ division director. Failure to follow these procedures will not prevent ADEQ from bringing an enforcement action that is otherwise appropriate to the violation.

STEP 1: Inspection Preparation

Prior to conducting an inspection at a facility, the inspector must review the facility's file(s) and the ICE database for all compliance related information, including associated correspondence. The inspector must also determine whether a facility-specific inspection checklist has been developed. If a checklist has already been developed the inspector must review the checklist and make any necessary changes. If a checklist has not already been developed, the inspector must develop a checklist based upon the statutes, rules, permits, administrative orders, and civil judgments that apply to the facility prior to conducting the inspection. The checklist may also contain preventative measures or recommendations that are not based upon legal requirements, but must be noted as such in the checklist and any reports or other correspondence based upon the checklist.

ICE: Once the file review has been completed, the inspector must enter *Pre-Inspection File Review Completed* as an action in the Inspection Screen.

STEP 2: Inspection Scheduled

While some ADEQ programs schedule inspections with the facility, others find it more effective to conduct inspections without prior notification of the facility.[4]

ICE: Regardless of whether the facility is notified beforehand, *Inspection Scheduled* must be entered as an action in the Inspection Screen. The date to be entered will be the date the facility inspection is to be initiated.

STEP 3: Identification

Immediately upon entering the facility, the inspector must present an ADEQ photo identification badge to the regulated person or the authorized facility representative.

If a person/representative is not present at the site:

The inspector must attempt to contact an authorized representative via telephone prior to entry of the facility. If this is unsuccessful, the inspector must note this on the Notice of Inspection Rights form and place a copy in the facility file. The inspector may then proceed with the inspection.

---

[4] Pursuant to A.R.S. § 49-203(B)(1) which applies to water quality control related inspections, prior notice is required unless ADEQ determines that "reasonable grounds exist to believe that such notice would frustrate enforcement of water quality control laws." If such a determination is made, a description of the grounds must be documented in the Inspection Screen of ICE.

If the person/representative refuses entry:
The inspector should identify ADEQ's legal authority for conducting the inspection and explain that ADEQ will immediately contact the Attorney General's Office to obtain a search warrant.[5] The inspector must then immediately find the closest public right-of-way and contact his or her supervisor to explain the situation. The supervisor should then contact the Attorney General's Office with assistance from ADEQ's Office of Special Counsel for the purpose of seeking a search warrant. The inspector should remain at the closest public right-of-way until receiving the search warrant. Immediately upon receipt of the search warrant, the inspector will conduct the inspection with the assistance of the appropriate local law enforcement authority.

Policy: The Site Access Policy can be found as Appendix P9.

STEP 4: Inspection Rights Explained
Upon entering the facility, the inspector must explain the following to the regulated person or authorized facility representative:

- The purpose of the inspection
- The legal authority for conducting the inspection
- Any applicable fees that may be charged for the inspection
- That the regulated person or the authorized facility representative is entitled to accompany the inspector during the inspection, including being present for any interview, except confidential interviews
- That if requested by the regulated person or authorized facility representative, ADEQ will provide copies, free of charge, of any original documents taken by ADEQ during the inspection
- The regulated person or the authorized facility representative is entitled to a split of any sample(s) taken during the inspection unless the split of the sample(s) would prohibit the analysis from being conducted or render the analysis inconclusive
- The regulated person or the authorized facility representative is entitled to copies of any analysis performed on samples taken during the inspection. ADEQ will provide such copies at its expense

STEP 5: Inspection Rights Form Presented for Signature
Once the inspector has explained the inspection rights, he or she must provide the regulated person or the authorized facility representative with a Notice of Inspection Rights form and review it with the regulated person or authorized facility representative. After answering any questions, the ADEQ employee must request that the regulated person/representative sign the form.

Boilerplate: The boilerplate Notice of Inspection Rights form can be found as Appendix B23.

[5] *See* Appendix M5 for a table describing ADEQ's authorities for conducting inspections.

If the person/representative signs the form:
One copy will be provided to the regulated person or authorized facility representative and another copy will be placed in the facility file.

If the person/representative declines to sign the form:
The inspector must note that decision on the form and provide a copy to the person/representative and place another copy in the facility file. The inspector may still proceed with the inspection.

STEP 6: Inspection Performed
Inspections performed by ADEQ will be based upon the checklist developed specifically for the facility as described in Step 1. During the course of the inspection, ADEQ will inform each person whose conversation with the inspector is tape recorded that the conversation is being recorded. Furthermore, before interviewing any person during an inspection, ADEQ will inform the person to be interviewed that statements made by that person may be included in the inspection report.[6]

ICE: Upon completion of the inspection, the inspector must enter *Inspection Conducted* in the Inspection Screen.

STEP 7: Inspection Report/Informal Compliance Assurance Documents Created[7]
After completion of the inspection, the inspector must generate a report summarizing the inspection and identifying those items that were evaluated during the course of the inspection. The inspection report must also set forth all violations or potential violations identified during the inspection. The report may also include ADEQ recommendations, but must clearly differentiate them from violations.

If there are no violations found during the course of the inspection:
The inspection report must state in specific terms what the inspection covered and in general terms what it did not (based upon the checklist used to conduct the inspection). The inspection report must also include a statement that no ADEQ action will result from the inspection.

If there are violations that do not constitute SNC found during the course of the inspection that are corrected before ADEQ leaves the site:
The violation(s) will be noted in the inspection report and no enforcement will be taken. Although ADEQ will not initiate enforcement, the violation must still be logged in the ICE database because if the same violation is discovered in another inspection of the facility within a two year period, it will be considered Significant Non-Compliance (SNC) and will result in the

[6] As a matter of policy, ADEQ will not include confidential interviews in the inspection report.

[7] This section identifies the compliance assurance document that will be used for a particular category of violation. Chapter 4 (Violation Categories) explains how to determine which category applies. Chapter 5 (Informal Compliance Assurance Tools) explains how to prepare the document.

preparation of a Notice of Violation (NOV) for approval by the appropriate Division Director or Regional Director.

ICE: If violations are discovered, the inspector must enter *Case Recommended* as an action in the Inspections Screen and enter the alleged violations, description of facts, compliance documentation requirements and the date corrected (i.e., the date of the inspection under this scenario) in the Case Screen.

If there are violations that do not constitute SNC found during the course of the inspection that <u>are not</u> corrected prior to ADEQ leaving the site:
ADEQ will issue the responsible party a letter known as a Notice of Opportunity to Correct (NOC) allowing an opportunity to correct deficiencies.

Boilerplate: The boilerplate Notice of Opportunity to Correct (NOC) can be found as Appendix B15.

ICE: If violations are discovered, the inspector must enter *Case Recommended* as an action in the Inspections Screen and enter the alleged violations, description of facts and compliance documentation requirements in the Case Screen.

If there are SNC violations found during the course of the inspection:
Staff will prepare a Notice of Violation (NOV) and cover letter for approval by the appropriate Division Director or Regional Director.

Boilerplate: The boilerplate Notice of Violation (NOV) can be found as Appendix B18.

Boilerplate: The boilerplate Notice of Violation cover letter language can be found as Appendix B21.

Boilerplate: The boilerplate administrative order Notice of Violation cover letter language can be found as Appendix B26.

ICE: If violations are discovered, the inspector must enter *Case Recommended* as an action in the Inspections Screen and enter the alleged violations, description of facts and compliance documentation requirements in the Case Screen.

If there are violations that constitute SNC and violations that do not constitute SNC (a.k.a. "other") violations found during the course of the inspection:
Staff will prepare a Notice of Violation (NOV) and cover letter for approval by the appropriate Division Director or Regional Director.

Boilerplate: The boilerplate Notice of Violation (NOV) with "other" violations can be found as Appendix B17.

Boilerplate: The boilerplate Notice of Violation cover letter language can be found as Appendix B21.

Boilerplate: The boilerplate administrative order Notice of Violation cover letter language can be found as Appendix B26.

ICE: If violations are discovered, the inspector must enter *Case Recommended* as an action in the Inspections Screen and enter the alleged violations, description of facts and compliance documentation requirements in the Case Screen.

STEP 8: Inspection Report/Informal Compliance Assurance Documents Distributed

The ADEQ inspector must give a copy of the inspection report to the person or facility representative at the time of the inspection or within 45 calendar days after the conclusion of the inspection. If the report is not provided at the time of the inspection, it must be hand delivered or sent by U.S. mail by the 45th calendar day, following the conclusion of the inspection.

ICE: After issuing the inspection report, the inspector must enter *Inspection Report Sent to RP* as an action in the Inspection Screen.

STEP 9: Action Updates Sent

At least once every month after the commencement of the inspection and until ADEQ either takes action or decides not to take action, ADEQ must send the responsible party an update letter describing the status of any action resulting from an inspection.

ADEQ must continue to send an action update letter every month until one of the following occurs:

- ADEQ sends the responsible party an inspection report that includes a statement that no further action will be taken based upon the inspection.
- ADEQ sends the responsible party an NOC closure letter for an NOC resulting from the inspection.
- ADEQ sends the responsible party an NOV closure letter (with no further action) for an NOV resulting from the inspection and closes the case.
- ADEQ files a civil complaint for a violation identified during the inspection.
- ADEQ signs a Consent Order for a violation identified during the inspection.
- ADEQ issues a Compliance/Abatement Order for a violation identified during the inspection.

Boilerplate: The boilerplate Action Update Letter can be found as Appendix B1.

Boilerplate: The boilerplate NOC Closure Letter can be found as Appendix B14.

Boilerplate: The boilerplate Compliance Documented Letter (reserving further action) can be found as Appendix B20.

Boilerplate: The boilerplate NOV Closure Letter (with no further action) can be found as Appendix B19.

ICE: After sending an Action Update Letter, the inspector must enter *Action Update Letter Sent to RP* as an action in either the Inspection Screen or the Case Screen (depending on whether a case has been opened). If a Compliance Documented Letter (reserving further action) has been sent, *Compliance Document Letter Sent to RP* must be entered as an action in the Case Screen. If an NOV Closure Letter

(with no further action) has been sent, *NOV Closure Letter Sent to RP (case closure)* must be entered as actions in the Case Screen.

CHAPTER 4: VIOLATION CATEGORIES

All violations discovered by ADEQ during the course of an inspection or by any other means will result in either an informal or formal enforcement response by ADEQ. The severity of the violation will dictate the type of enforcement response to be initiated by ADEQ. A violation falling below the level of Significant Non-Compliance (SNC) will result in ADEQ's allowing an opportunity to correct the deficiency without further enforcement (so long as the violation is corrected within a reasonable period of time). Failing to achieve compliance within the time specified in the letter from ADEQ providing an opportunity to correct deficiencies (an NOC) is SNC. All instances of non-compliance meeting or exceeding the SNC criteria will result in the preparation of a letter that puts the responsible party (such as a facility owner or operator) on notice that the Department believes a violation of an environmental law has occurred. The letter, a Notice of Violation (NOV), describes the facts known to ADEQ at the time of issuance and cites the laws or rules that ADEQ believes the party has violated.

A subcategory of SNC is Penalty Non-Compliance (PNC). PNC is defined as those SNC violations that will result in ADEQ seeking monetary penalties in addition to compliance. Achieving compliance within the specified time period in an NOV will result in no further enforcement (provided the violation does not also constitute PNC). If the SNC violation is not resolved by the deadline specified within the NOV, ADEQ will attempt to negotiate an administrative Consent Order (or a civil Consent Judgment if the SNC violation is also PNC). If attempts to negotiate a Consent Order (or Consent Judgement) are unsuccessful, ADEQ will issue a unilateral Compliance Order requiring compliance within a reasonable time (or if PNC, ask the Attorney General's Office to file a civil lawsuit).

MINOR VIOLATIONS

Minor violations are those that pose a minimal or non-existent risk to public health and the environment. In other words, a minor violation does not create a reasonable probability of material harm to any person, the public health, safety, welfare or the environment, or the inability to perform such an assessment as a result of the violation. For violation of a statute or rule, or a permit condition based upon a statute or rule, the minor violations are listed as appendices to this handbook and can also be found in the ICE database.[1] For violations of permit conditions that are not listed in one of the appendices, the determination will be made on a case-by-case basis and be noted in the facility's inspection checklist (i.e., ADEQ will determine whether the violation creates a reasonable probability of material harm to any person, the public health,

[1] If a violation not listed in an appendix is discovered during the course of an inspection or investigation, staff must provide the Director with a recommended category for listing. The same approval is required for suggested changes in a category for those violations already listed in an appendix to this handbook.

safety, welfare or the environment or the inability to perform such an assessment as a result of the violation.)[2]

Appendix:

Program	Minor Violation Appendix
Air Quality	L2
Biosolids	L22
Drinking Water	L6
Hazardous Waste	L8
Reuse of Reclaimed Water	L10
Solid Waste	L12
UST Inspections & Compliance	L14
Vehicle Emission Inspections	L16
Water Pollution Control	L18
Water Quality Permit	L19

MAJOR VIOLATIONS

Major Violations are those that pose a risk to any person, the public health, safety or welfare or the environment or that cannot be corrected within a reasonable amount of time.[3] ADEQ considers risk to mean "a reasonable probability of material harm to any person, the public health, safety, welfare or the environment or the inability to perform such an assessment as a result of the violation." For violation of a statute, a rule, or a permit condition based upon statute or rule, major violations are listed in the appendices to this handbook.[1] For violations of permit conditions that are not listed in one of the appendices, the determination will be made on a case-by-case basis and be noted in the facility's inspection checklist (i.e., ADEQ will determine whether there is a reasonable probability of material harm to any person, the public health, safety, welfare or the environment or the inability to perform such an assessment as a result of the violation.)[2]

[2] If there has not been a previous determination as to whether violation of the condition is a major violation, staff must provide the appropriate Division Director or Regional Director with a recommendation as to whether violation of the condition poses a reasonable probability of material harm to any person, the public health, safety, welfare or the environment or the inability to perform such an assessment as a result of the violation. Once the Division Director or Regional Director has made a final determination, an appropriate notation must be made on the facility's inspection checklist. The same process applies to suggested changes to inspection checklist notations.

[3] *See* A.R.S. § 41-1009(E)(2) and (4)

Appendix:

Program	Major Violation Appendix
Air Quality	L1
Asbestos NESHAP	L3
Biosolids	L23
Drinking Water	L5
Hazardous Waste	L7
LUST Enforcement	L21
Operator Certification	L25
Reuse of Reclaimed Water	L9
Solid Waste	L11
UST Inspections & Compliance	L13
Vehicle Emission Inspections	L15
Water Pollution Control	L17
Water Quality Permit	L20

SIGNIFICANT NON-COMPLIANCE (SNC)

Significant Non-Compliance (SNC) establishes the level at which ADEQ staff will prepare for approval by the appropriate Division Director or Regional Director, a Notice of Violation which reserves ADEQ's right to pursue formal enforcement, including civil penalties. Those violations which do not result in the issuance of an NOV will result in a Notice of Opportunity to Correct (NOC), which affords an opportunity to correct the violation without the threat of further enforcement if corrected. SNC includes **any** of the following types of violations:

- A major violation
- A minor violation committed intentionally
- A minor violation that has continued beyond a deadline set within a Notice of Opportunity to Correct (i.e., the responsible party failed to document compliance as noted in the Notice of Opportunity to Correct)
- A violation previously noted or addressed in an NOC or NOV within the past two years
- A violation previously addressed in an administrative order or civil complaint within the past five years
- Violation of a Compliance Order, Consent Order, Consent Judgment or Consent Decree

PENALTY NON-COMPLIANCE (PNC)

Penalty Non-Compliance (PNC) establishes the level at which ADEQ will seek monetary penalties via a referral to the Attorney General's Office, or in the case of drinking water violations, through the issuance of a Compliance Order with Civil Administrative Penalty.

Deciding when to seek penalties is a determination made on a case-by-case basis using the criteria described below. Although ADEQ will consider all of the following in determining PNC, a violation of statute, rule, administrative order, or permit meeting any of the criteria may constitute PNC:

- The violation was intended to result in, or actually resulted in, significant cost savings or profits to the responsible party
- The responsible party engaged in willful or negligent conduct leading to the violation (e.g., the lack of provisions for detecting or preventing the violation)
- The responsible party previously received an NOV or administrative order for the same violation within the past two years
- ADEQ previously filed a civil complaint against the responsible party
- The violation resulted in actual harm, or substantial risk of harm, to human health or the environment as determined using the following factors:
  - An actual release
  - Violation of a water quality standard[4]
  - Exceedance of a soil remediation standard[5]
  - Severe mismanagement of a pollutant
  - The amount of the pollutant involved
  - The toxicity of the pollutant involved
  - The proximity of biological/human receptors or sensitive environmental media such as a drinking water supply, populated area or surface water
  - Lack of notifying persons potentially affected by the violation as required by law

[4] A.A.C. R18-11-101 *et seq.*

[5] A.A.C. R18-7-101 *et seq.*

CHAPTER 5: INFORMAL COMPLIANCE ASSURANCE TOOLS

The majority of violations ADEQ discovers are resolved through the use of informal compliance assurance tools. Although ADEQ has formal enforcement tools at its disposal and reserves the right to use them at any time, it will use formal enforcement as an initial enforcement response only under the most egregious or time-sensitive situations. Furthermore, it is ADEQ's longstanding position that use of an informal compliance assurance tool does not constitute an "action against the party" and is not an "appealable agency action".[1]

COMPLIANCE STATUS LETTER (CSL)
When ADEQ records indicate the presence of a potential violation that is older than 180 days and an ADEQ action has not previously been initiated, a compliance status letter may be sent to the facility prior to the issuance of a Notice of Violation. A compliance status letter provides the responsible party an opportunity to submit evidence that the previously identified violation has been corrected or the violation does not exist.

Boilerplate: The boilerplate Compliance Status Letter can be found as Appendix B9.

CAUTION LETTER(CL) (water permit violations only)
A caution letter is an informal compliance assurance tool used by ADEQ to notify a water quality permittee that the violations reported to ADEQ on a Self-Monitoring Report Form (SMRF) warrant some sort of corrective action by the permittee. Discharge limit or Technical Review Criteria (TRC) violations constituting a caution level exceedance (CLE) will result in issuance of a Caution Letter (CL). The Caution Letter states that ADEQ will issue an NOV if similar levels are reported in the next three review periods. A caution letter allows the permittee to resolve a problem before it becomes significant. To that end, ADEQ will offer compliance assistance in the letter.

Boilerplate: The boilerplate Caution Letter can be found as Appendix B5.
Appendix: The Caution Levels for water permit violations can be found as Appendix L19.

NOTICE OF OPPORTUNITY TO CORRECT DEFICIENCIES (NOC)
An NOC is an informal compliance assurance tool used under A.R.S. § 41-1009(E) to put a responsible party (such as a facility owner or operator) on notice that ADEQ believes a non-significant violation of an environmental law has occurred. It describes the facts known to ADEQ at the time of the letter and cites the laws or rules that ADEQ believes have been violated. An NOC provides the responsible party an opportunity to resolve the violation(s) or deficiency(ies) before ADEQ takes formal enforcement. If the deficiencies are corrected, there will be no enforcement taken by ADEQ.

[1] As defined in A.R.S. §§ 41-1092.12(E)(1) and 41-1092(3), respectively.

- ADEQ will provide the responsible party an opportunity to correct for all violations that do not constitute SNC discovered during the course of an inspection that are not resolved before the conclusion of the inspection.
- An NOC will allow the responsible party a reasonable time in which to resolve the violation. The time allowed will not exceed 180 calendar days from date of issuance of the NOC or as otherwise specified in an applicable permit.
- If the violation is not corrected within the time allowed by the NOC, ADEQ will issue an NOV.
- If the violation is corrected within the time allowed by the NOC, ADEQ will issue a closure letter to the responsible party and forgo escalated enforcement (including seeking civil penalties).

Boilerplate: The boilerplate Notice of Opportunity to Correct Deficiencies can be found as Appendix B15.

Boilerplate: The boilerplate NOC Closure Letter can be found as Appendix B14.

NOTICE OF VIOLATION (NOV)

An NOV is an informal compliance assurance tool used by ADEQ to put a responsible party (such as a facility owner or operator) on notice that the Department believes a significant violation of environmental law has occurred. It describes the facts known to ADEQ at the time of issuance and cites the laws or rules that ADEQ believes the party has violated. An NOV provides the responsible party an opportunity to do any of the following before ADEQ takes formal enforcement action: (1) meet with ADEQ and discuss the facts surrounding the violation, (2) demonstrate to ADEQ that no violation has occurred, or (3) document that the violation has been corrected. Unlike in an NOC, ADEQ will explicitly reserve the right to seek a civil penalty regardless of whether the responsible party achieves or demonstrates compliance.

- For all violations meeting the definition of Significant Non-Compliance (SNC), staff will prepare an NOV for approval by the appropriate Division Director or Regional Director.
- If ADEQ discovers both violations that constitute SNC and violations that do not constitute SNC during the course of an inspection, staff will forgo affording an opportunity to correct deficiencies and prepare for approval an NOV addressing all alleged violations, differentiating between those violations that constitute SNC and those that do not constitute SNC violations in the notice.
- An NOV will provide the responsible party a reasonable time to resolve the violation. The time allowed should not exceed 90 calendar days, but under no circumstances will the time allowed be greater than 120 days from the date of issuance of the NOV.
- If the responsible party fails to adequately document resolution of the violation within the time provided by the NOV, ADEQ will initiate formal enforcement.
- If the violation is resolved within the time provided by the NOV and the violation does not constitute PNC, ADEQ will issue a closure letter to the responsible party and forgo the initiation of formal enforcement (including seeking civil penalties).

Boilerplate: The boilerplate Notice of Violation cover letter language can be found as Appendix B21.

Boilerplate: The boilerplate administrative order Notice of Violation cover letter language can be found as Appendix B26.

Boilerplate: The boilerplate Notice of Violation can be found as Appendix B18.

Boilerplate: The boilerplate Notice of Violation alleging both violations that constitute SNC and violations that do not constitute SNC (a.k.a. "other" violations) can be found as Appendix B17.

Boilerplate: The boilerplate Notice of Violation alleging water quality permit self-monitoring violations can be found as Appendix B16.

Boilerplate: The boilerplate NOV Closure Letter (reserving further action) can be found as Appendix B20.

Boilerplate: The boilerplate NOV Closure Letter (with no further action) can be found as Appendix B19.

NOTICE OF ENVIRONMENTAL NUISANCE (NEN)

An NEN is an informal compliance assurance tool used by ADEQ to put a responsible party, such as a facility owner or operator, on notice that the Department believes an environmental nuisance condition exists. It describes the facts known to ADEQ at the time of issuance and cites the environmental nuisance provision that ADEQ believes applies. An NEN provides the responsible party an opportunity to do any of the following before ADEQ takes formal action: (1) meet with ADEQ and discuss the facts surrounding the nuisance, (2) demonstrate to ADEQ that no nuisance exists, or (3) document that the nuisance has been abated.

- For all environmental nuisance conditions, staff will prepare an NEN for approval by the appropriate Division Director or Regional Director.
- Because environmental nuisances are limited to those conditions that are not otherwise subject to regulation by ADEQ, ADEQ will not issue an NEN for a situation covered by a violation listed as major or minor in an appendix.[2]
- An NEN will provide the responsible party a reasonable time to resolve the nuisance condition. The time allowed should not exceed 90 calendar days, but under no circumstances will the time allowed be greater than 120 days from the date of issuance of the NEN.
- If the responsible party fails to adequately document resolution of the nuisance condition within the time provided by the NEN, ADEQ will initiate formal enforcement.
- If the nuisance condition is resolved within the time provided by the NEN, ADEQ will issue a closure letter to the responsible party and forgo the initiation of formal enforcement.

Appendix: The Environmental Nuisance Condition List can be found as Appendix L24.

[2] *See* A.R.S. § 49-141(A)

Boilerplate: The boilerplate Notice of Environmental Nuisance Cover Letter Language can be found as Appendix B37.

Boilerplate: The boilerplate Notice of Environmental Nuisance can be found as Appendix B36.

Boilerplate: The boilerplate NEN Closure Letter can be found as Appendix B38.

CHAPTER 6: FORMAL ENFORCEMENT TOOLS

ADEQ will rarely initiate enforcement with a formal enforcement action. As a result, the formal enforcement tools described below are reserved for those violations that are particularly egregious, or for those circumstances where the responsible party is unwilling or unable to resolve a violation in a timely manner after receiving an informal compliance assurance response from ADEQ. Although most ADEQ programs share a common set of formal enforcement tools, there are some minor differences. For example, some programs have the ability to assess civil administrative penalties or issue administrative orders requiring compliance, while others do not. This chapter describes the various formal enforcement tools available to ADEQ along with how and when they should be used.

Appendix: A table of Arizona's administrative, civil, and criminal environmental enforcement authorities can be found as Appendix M2.

CONSENT ORDER

A Consent Order, otherwise known as a compliance order (or abatement order) on consent, is a bilateral administrative order issued with the complete written agreement of the responsible party and ADEQ. A Consent Order is ADEQ's preferred formal enforcement tool for requiring compliance because it benefits both the responsible party and ADEQ. The responsible party has the opportunity to provide input into the terms of the order while ADEQ gets the responsible party's waiver of its right to appeal the order. To establish reasonable expectations, ADEQ has drafted guidelines that govern the process and time frames for negotiating Consent Orders (the Consent Order Negotiation Guidelines).

ADEQ will attempt to negotiate a bilateral Consent Order when **both** of the following conditions are met:

- The responsible party has failed to meet a deadline within an NOV, or the violation cannot be resolved within 120 calendar days; and
- The circumstances of the violation do not warrant the seeking of civil penalties (i.e., the violations do not constitute Penalty Non-Compliance (PNC)).[1]

Boilerplate: The boilerplate Consent Order can be found as Appendix B10.

Boilerplate: The boilerplate Consent Order with Civil Administrative Penalty (drinking water violations only) can be found as Appendix B35.

Boilerplate: The boilerplate Termination of Consent Order can be found as Appendix B25.

Guidance: The Consent Order Negotiation Guidelines can be found as Appendix G1.

[1] ADEQ may choose to negotiate a Consent Order for PNC violations if it is likely that the time needed to resolve the penalty portion of the case will slow down the implementation of a remedy necessary to reduce the impact of the violation. ADEQ will also attempt to negotiate a Consent Order with Civil Administrative Penalty for the assessment of civil administrative penalties for drinking water violations.

COMPLIANCE ORDER/ABATEMENT ORDER

A Compliance Order (or Abatement Order) is an administrative order issued unilaterally by ADEQ without input from the responsible party. ADEQ will issue a Compliance Order only when attempts to resolve the violation through informal compliance assurance and negotiation of a Consent Order are unsuccessful or unwarranted due to the time sensitive nature of the violation. Unlike under a Consent Order, the responsible party does not have an opportunity to comment on the corrective actions or the time frames for completing the corrective actions. To challenge a compliance order, the responsible party must submit a request to ADEQ for an administrative appeal after receiving the Order. If an appeal is not requested, a Compliance Order becomes effective and enforceable in superior court 30 days after it is received by the responsible party. If a hearing is requested it will be held before Arizona's Office of Administrative Hearings (OAH). Following the hearing, ADEQ will review the recommended decision from the OAH administrative law judge and issue a final decision to validate, invalidate or modify the original Order. Once final, the Order becomes effective and enforceable in civil court. Except for Orders issued for environmental nuisances, drinking water violations, recycling violations and pollution prevention violations, a violation of an effective Order is subject to civil penalties.

ADEQ will issue a unilateral Compliance Order when **all** of the following conditions are met:

- The responsible party has failed to meet a deadline within an NOV
- The circumstances of the violation do not warrant seeking civil penalties (i.e., the violations do not constitute Penalty Non-Compliance (PNC)).[2]
- ADEQ has been unsuccessful in its attempt to negotiate a Consent Order (or it is otherwise unlikely that the Consent Order will be finalized within 45 days of the initiation of negotiations)

Boilerplate: The boilerplate Compliance/Abatement Order can be found as Appendix B8.

Boilerplate: The boilerplate Termination of Compliance/Abatement Order can be found as Appendix B25.

Policy: The Administrative Hearing Procedures for Delegated Programs Policy can be found as Appendix P1.

COMPLIANCE ORDER WITH CIVIL ADMINISTRATIVE PENALTY (Drinking Water)

Pursuant to A.R.S. § 49-354(C), ADEQ may issue a compliance order imposing a civil administrative penalty for drinking water violations. ADEQ will normally attempt to negotiate a Consent Order with administrative penalties using the same procedures described in the Consent Order Negotiation Guidelines. The only major difference being that the Consent Order will include an administrative penalty for those violations constituting Penalty Non-Compliance. To challenge a unilateral administrative penalty order, the responsible party must submit a request to ADEQ for an administrative appeal after receiving the Order. If an appeal is not requested, the administrative penalty order becomes effective and enforceable in superior court 30 days after it

[2] ADEQ may issue a Compliance Order with Civil Administrative Penalty for the assessment of civil administrative penalties associated with drinking water violations.

is received by the responsible party. If a hearing is requested it will be held before Arizona's Office of Administrative Hearings (OAH). Following the hearing, ADEQ will review the recommended decision from the OAH administrative law judge and issue a final decision to validate, invalidate or modify the original Order. Once final, the Order becomes effective and enforceable in civil court.

The Arizona Revised Statutes not only establish the maximum civil administrative penalties that may be imposed, but also prescribe the factors that must be used in determining the amount of the penalty. The process of establishing the penalty is outlined in Chapter 8 (Penalty Determinations).

Boilerplate: The boilerplate Compliance Order with Civil Administrative Penalty can be found as Appendix B2.

Guidance: The Consent Order Negotiation Guidelines can be found as Appendix G1.

ORDER ASSESSING A CIVIL PENALTY (Hazardous Waste)
Pursuant to A.R.S. § 49-923(B), ADEQ may issue an administrative order assessing a civil penalty of not more than $1,000 per day for each day of continued non-compliance with a Compliance Order (or Consent Order) issued pursuant to A.R.S. § 49-923(A). ADEQ will assess a civil penalty for non-compliance with a Compliance Order (or Consent Order) issued pursuant to A.R.S. § 49-923(A) and for violations of the Arizona Hazardous Waste Management Act based upon the following:

If there is a prior agreement with the responsible party (i.e., a Consent Order with stipulated penalties):
The penalties to be assessed for non-compliance with a Compliance Order issued with the consent of the responsible party (a.k.a., a Consent Order) will be equal to the stipulated penalty provisions within the Consent Order. Because these penalties have already been negotiated and agreed upon by the responsible party, ADEQ will not engage in further negotiations before issuing an administrative Order Assessing a Civil Penalty.

If there is no prior agreement with the responsible party (i.e., ADEQ has issued a compliance order or entered into a Consent Order without stipulated penalties):
ADEQ will issue an Order Assessing a Civil Penalty for an amount based upon the seriousness of the violation, good faith efforts, economic benefit, and ability to pay.[3] To challenge an Order Assessing a Civil Penalty, the responsible party must submit a request to ADEQ for an administrative appeal after receiving the Order. If an appeal is not requested, the Order Assessing a Civil Penalty becomes effective and enforceable in superior court 30 days after it is received by the responsible party. If a hearing is requested it will be held before Arizona's Office of Administrative Hearings (OAH). Following the hearing, ADEQ will review the recommended

[3] *See* Chapter 8 (Penalty Determinations) for more detailed guidance on determining an appropriate civil administrative penalty.

decision from the OAH administrative law judge and issue a final decision to validate, invalidate or modify the original Order. Once final, the Order becomes effective and enforceable in civil court.

Boilerplate: The boilerplate Order Assessing a Civil Penalty can be found as Appendix B6.
Guidance: The process for determining a hazardous waste administrative civil penalty can be found as Appendix G2.

LICENSE SUSPENSION/REVOCATION

In general, ADEQ will suspend or revoke a license due to non-compliance only after all other attempts to compel compliance have failed.[4] One exception to this general rule applies to those programs without administrative order authority.[5] For those programs that do not have administrative order authority, ADEQ may suspend or revoke a license if violation of the license is not resolved through the issuance of a Notice of Violation. ADEQ will normally attempt to negotiate a permit revocation/suspension with the consent of the responsible party using the same procedures described in the Consent Order Negotiation Guidelines. If these attempts are unsuccessful, or unwarranted given the circumstances, ADEQ will issue a suspension or revocation unilaterally. The length of the suspension will be determined using the factors described in Chapter 8 (Penalty Determinations) of this handbook.

To challenge a license suspension or revocation, the responsible party must submit a request to ADEQ for an administrative appeal after receiving the suspension or revocation. If an appeal is not requested, the suspension or revocation becomes effective and enforceable in superior court 30 days after it is received by the responsible party. If a hearing is requested it will be held before Arizona's Office of Administrative Hearings (OAH). Following the hearing, ADEQ will review the recommended decision from the OAH administrative law judge and issue a final decision to validate, invalidate or modify the original suspension or revocation. Once final, the suspension or revocation becomes effective and enforceable in civil court.

Boilerplate: The boilerplate Suspension of Licence can be found as Appendix B13.
Boilerplate: The boilerplate Revocation of Licence can be found as Appendix B12.

CIVIL REFERRAL

While most of the administrative enforcement tools described above do not necessarily require a referral to the Attorney General's Office prior to taking action, civil enforcement does. Pursuant to most of Arizona's environmental enforcement provisions, the Arizona Attorney General's

---

[4]Pursuant to A.R.S. § 41-1001(10), "License" includes the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law.

[5]*See* Appendix M2 for a table of ADEQ enforcement authorities which includes a list of those programs with administrative order authority.

Office must file a civil action seeking penalties when requested by ADEQ.[6] The process of making such a request is described below. Because of the time and effort necessary to make a productive civil referral, ADEQ will exercise a great deal of discretion when making a civil referral. ADEQ will make a referral to the Attorney General's Office for the filing of a civil complaint (and possibly a concurrent settlement agreement) under **any** of the following circumstances:

- The violation is PNC
- The responsible party has violated a Compliance Order
- The responsible party has violated a Consent Order
- The violation poses an immediate and substantial threat to human health or the environment.

There are several types of civil referrals that can be made by ADEQ, each of which is described below. Independent of the type of referral, ADEQ must formally request the assignment of an Assistant Attorney General via a formal memorandum and a Case Development Memorandum (CDM) which describes the allegations in detail. Although an attorney request memorandum and CDM must be drafted for every civil referral, the level of detail and timing of the referral will be based upon the type of referral being made.

Temporary Restraining Order/Preliminary Injunction

ADEQ will make a referral to the Attorney General's office for seeking a temporary restraining order or preliminary injunction only under the following circumstances:

- The violation is creating an immediate and substantial risk to human health and/or the environment; **and**
- It is unlikely that the violation can be resolved in a timely manner through an NOV or Administrative Order.

A referral for the filing of a temporary restraining order or preliminary injunction must be made by a Request for Assignment of an Assistant Attorney General memorandum. A Case Development Memorandum For Filing a Civil Complaint does not have to accompany the request, but must be completed within 60 calendar days of the request.

Boilerplate: The boilerplate Request for Assignment of an Assistant Attorney General can be found as Appendix B24.

Boilerplate: The boilerplate Case Development Memorandum for Filing a Civil Complaint can be found as Appendix B3.

Permanent Injunction/Civil Penalty

Because of ADEQ's strong preference for negotiated settlements, ADEQ will rarely seek the imposition of a permanent injunction or civil penalty without first attempting to negotiate a civil settlement agreement with the responsible party. ADEQ will make referrals to the Attorney

[6] *See* A.R.S. §§ 49-262(C), 49-354(G), 49-462, 49-768, 49-783(B), 49-811(B), 49-861(C), and 49-924(B).

General's Office, though, for those violations that constitute Penalty Non-Compliance (PNC).[7] The decision to make a referral to the Attorney General's Office for the filing of a civil complaint, without also attempting to file a settlement agreement, will be made on a case-by-case basis.

A referral for the filing of a civil complaint seeking the imposition of a permanent injunction or civil penalty will be made by a Request for Assignment of an Assistant Attorney General memorandum accompanied by a Case Development Memorandum for Filing a Civil Complaint.

Boilerplate: The boilerplate Request for Assignment of an Assistant Attorney General can be found as Appendix B24.

Boilerplate: The boilerplate Case Development Memorandum for Filing a Civil Complaint can be found as Appendix B3.

Consent Judgment/Consent Decree

A Consent Judgment (or Consent Decree) is a negotiated settlement of a civil complaint. It is ADEQ's preferred method of resolving Penalty Non-Compliance and involves the filing of both a civil complaint and a signed, written settlement agreement between the parties. Once approved by the court, a Consent Judgment/Decree becomes effective and enforceable in court.

A referral to the Attorney General's Office for the negotiation of a permanent injunction or civil penalty will be made through the creation of a Request for Assignment of an Assistant Attorney General for Negotiating a Civil Settlement that will serve both as the Request for Assignment of an Assistant Attorney General and the Case Development Memorandum. If attempts to negotiate a civil settlement are unsuccessful, a Case Development Memorandum for Filing a Civil Complaint must be approved and sent to the Attorney General's Office.

Boilerplate: The boilerplate Request for Assignment of an Assistant Attorney General for Negotiating a Civil Settlement can be found as Appendix B24.

Boilerplate: The boilerplate Case Development Memorandum for Filing a Civil Complaint can be found as Appendix B3.

CRIMINAL REFERRAL

Although the State's authority for prosecution of environmental crimes lies exclusively with the Arizona Attorney General's Office, ADEQ still plays an important role. ADEQ regularly gathers evidence used in the identification and prosecution of environmental crimes. As a general rule, ADEQ will refer any and all potential criminal acts to the Attorney General's Office for review. ADEQ plays no part, though, in the decision as to whether or not a referral will be pursued. The following acts constitute a crime, and thus will be referred to the Attorney General's Office via a Criminal Information Transmittal Memorandum:

- Performance of a prohibited act with criminal negligence

[7] *See* Chapter 4 (Violation Categories) for guidance on determining Penalty Non-Compliance.

- Knowing performance of a prohibited act
- Reckless performance of a prohibited act
- Knowing or reckless manifestation of an extreme indifference for human life in performance of a prohibited act
- Fraud against ADEQ

If there is any doubt about whether an environmental crime has been committed, a referral should be made.

Boilerplate: The boilerplate Criminal Information Transmittal Memorandum can be found as Appendix B11.

Policy: The Criminal Information Transmittal Policy can be found as Appendix P6.

BOARD OF TECHNICAL REGISTRATION REFERRAL

Because ADEQ has limited resources, it places a great deal of trust in the professional service community to promote and facilitate compliance with environmental requirements. As a result, if ADEQ has reason to believe that a person has violated a Board of Technical Registration (BTR) requirement when dealing with ADEQ (i.e., when submitting an engineering or geological plan, report, or license application) ADEQ may refer the matter to the BTR.[8]

As a general rule, ADEQ will only refer registrants to the BTR for clear breaches of professional conduct or practice which includes any of the following:

- Submittal of false or misleading certifications
- Attempting to defraud the State
- Attempting to commit bribery
- Clearly practicing without a registration

Unless compelling circumstances exist, ADEQ will generally not refer substandard or poor quality work to the BTR. Furthermore, ADEQ will refrain from making a referral merely for disputes arising out of differences in professional judgement between the applicant (registrant) and ADEQ. Under these circumstances, ADEQ's preferred course of action will be to use its authorities to deny applications or withhold the approvals sought.

[8]The BTR requirements can be found in Title 32, Chapter 1, of the A.R.S., and Title 4, Chapter 30 of the A.A.C.

CHAPTER 7: ENFORCEMENT ESCALATION PROCEDURES

Except for violations that do not constitute SNC identified and corrected during the course of an inspection,[1] ADEQ will respond to every identified violation. Under normal circumstances, ADEQ will initially address non-compliance through the use of an informal compliance assurance tool. As a result, ADEQ will either provide an opportunity to correct (NOC) or issue a Notice of Violation (NOV) for each violation identified. There is no requirement, though, that ADEQ first use an informal compliance assurance tool before initiating formal enforcement. (i.e., before issuing an administrative order, or seeking injunctive relief and civil penalties through a referral to the Attorney General). Furthermore, even if a violation is resolved under an NOV, ADEQ may pursue civil penalties for those violations that constitute Penalty Non-Compliance (PNC). Although ADEQ has adopted formal policies (listed below) for dealing with several specific types of violations, the procedures described in this chapter generally apply to all enforcement actions taken by the agency.

Although intended to provide consistency, these procedures are not intended to limit the enforcement discretion of ADEQ. Case-specific deviations from these procedures are permitted with prior approval from the appropriate ADEQ division director. Failure to follow these procedures will not prevent ADEQ from bringing an enforcement action that is otherwise appropriate to the violation.

Policy: The Enforcement of Annual Emissions Inventory Questionnaire Policy can be found as Appendix P14.

Policy: The Water Quality Compliance Enforcement Escalation Policy can be found as Appendix P15.

Policy: The Reporting Requirements for Public Water Systems Policy can be found as Appendix P17.

The following steps will be taken once a violation has been identified, regardless of how the violation has been identified and unless a more specific policy applies:

STEP 1: Classify the Violation as Major or Minor

Classification of the violation as major or minor will be based upon the following:

- For violations of statutes, rules, or permit conditions based upon statutes or rules, classification of the violation as major or minor will be based upon the appropriate Appendix to this handbook.[2]

---

[1] ADEQ will note in the inspection report and in the ICE database those violations that do not constitute SNC discovered and corrected during the course of an inspection.

[2] If a violation not listed in an appendix is discovered during the course of an inspection or investigation, staff must provide the Director with a recommended category for listing. The same approval is required for a change in a category for those violations already listed in an appendix to this handbook.

- For violations of permit conditions not listed in an appendix, classification will be based upon the appropriate notation on the inspection checklist for the facility.[3]

Regardless of the classification as major or minor, potential criminal acts should always be referred to the Attorney General's Office as soon as possible.

Appendix:

Program	Minor Violation Appendix	Major Violation Appendix
Air Quality	L2	L1
Asbestos NESHAP	--	L3
Biosolids	L22	L23
Drinking Water	L6	L5
Drinking Water Monitoring & Reporting	--	L4
Hazardous Waste	L8	L7
LUST Enforcement	--	L21
Operator Certification	--	L25
Reuse of Reclaimed Water	L10	L9
Solid Waste	L12	L11
UST Inspections & Compliance	L14	L13
Vehicle Emission Inspections	L16	L15
Water Pollution Control	L18	L17
Water Quality Permit	L19	L20

ICE: For all recommended cases (i.e., instances where violations have been discovered during the course of an inspection), the appropriate violations must be entered in the Case Screen.

[3] If there has not been a previous determination as to whether violation of the condition is a major violation, staff must provide the appropriate Division Director or Regional Director with a recommendation as to whether violation of the condition poses a reasonable probability of material harm to any person, the public health, safety, welfare or the environment or the inability to perform such an assessment as a result of the violation. Once the final determination has been made by the Division Director or Regional Director, an appropriate notation must be made on the facility's inspection checklist. The same process applies to suggested changes to inspection checklist notations.

STEP 2: Determine Whether the Violation is Significant Non-Compliance (SNC)

A violation is SNC, if it is **any** of the following:

- A major violation
- A minor violation committed intentionally
- A minor violation that has continued beyond a deadline set within a Notice of Opportunity to Correct (i.e., the responsible party failed to document compliance as noted in the Notice of Opportunity to Correct)
- A violation previously noted or addressed in an NOC or NOV within the past two years;
- A violation previously addressed in an administrative order or civil complaint within the past five years
- A violation of a Compliance Order, Consent Order, Consent Judgment or Consent Decree

STEP 3: Prepare the Appropriate Informal Compliance Assurance Notice

The ICE database has been developed to automatically generate the appropriate informal compliance assurance notice based upon the following:

If the violation is SNC (regardless of whether the violation is corrected before ADEQ leaves the site):

Staff will prepare a Notice of Violation (NOV) and cover letter for approval by the appropriate Division Director or Regional Director.

Boilerplate: The boilerplate Notice of Violation cover letter language can be found as Appendix B21.

Boilerplate: The boilerplate administrative order Notice of Violation cover letter language can be found as Appendix B26.

Boilerplate: The boilerplate Notice of Violation can be found as Appendix B18.

Boilerplate: The boilerplate Notice of Violation alleging water quality permit self-monitoring violations can be found as Appendix B16.

Boilerplate: The boilerplate Notice of Violation alleging failure to submit a self-monitoring report form for a water quality permit can be found as Appendix B34.

If both violations constituting SNC and violations not constituting SNC violations are discovered (regardless of whether the violation is corrected before ADEQ leaves the site):

Staff will prepare a Notice of Violation (NOV) and cover letter for approval by the appropriate Division Director or Regional Director.

Boilerplate: The boilerplate Notice of Violation cover letter language can be found as Appendix B21.

Boilerplate: The boilerplate administrative order Notice of Violation cover letter language can be found as Appendix B26.

Boilerplate: The boilerplate Notice of Violation alleging both violations constituting SNC and violations not constituting SNC (a.k.a. "other" violations) can be found as Appendix B17.

If the violation is not SNC and was not corrected prior to ADEQ leaving the site:
ADEQ will provide an opportunity to correct the deficiencies through the issuance of a letter (an NOC generated automatically by the ICE database).[4] The NOC will be sent certified mail, return receipt requested.

Boilerplate: The boilerplate Notice of Opportunity to Correct Deficiencies can be found as Appendix B15.

ICE: Once sent, *NOC Sent to RP* must be entered as an action in the Case Screen. Once received by the responsible party, *NOC Received by RP* must be entered as an action in the Case Screen.

STEP 4: If SNC, Seek Approval of Division Director or Regional Director for Issuance of NOV
All NOVs must be submitted to the Division Director or Regional Director for approval before issuance. The Division Director or Regional Director has the discretion to change an NOV to an NOC based on the specific circumstances surrounding the violation. This discretion may be severely limited, though, in those federal programs for which ADEQ has the primary enforcement responsibility.

ICE:
1) When the draft NOV is submitted to the Division Director or Regional Director for review and approval *Notice Decision Sent to Div. Dir. For Review* must be entered as an action in the Cases Screen.
2) Once a decision has been made, *Division Director Notice Decision Received* must be entered as an action in the Cases Screen.

If the Division Director or Regional Director approves issuance of the NOV
- The NOV and cover letter will be sent to the responsible party via certified mail, return receipt requested.
- If for a drinking water system, wastewater treatment or disposal facility, or solid waste disposal facility, a copy of the NOV must be sent to the appropriate county official(s) and to any affected environmental justice community.[5]

Policy: The Notification Policy For Local Governmental Agencies can be found as Appendix P11.

ICE:
1) Once sent, *NOV Sent to RP* must be entered as an action in the Case Screen.
2) Once received by the responsible party, *NOV Received by RP* must be entered as an action in the Case Screen.

---

[4] If the violation constitutes a caution level exceedance for a water permit, ADEQ will issue a caution letter.

[5] A list of appropriate county officials and environmental justice communities will be maintained by the Office of Special Counsel.

If the Division Director or Regional Director <u>does not</u> approve issuance of the NOV
ADEQ will provide an opportunity to correct the deficiencies through the issuance of a letter (an NOC generated automatically by the ICE database).[6] The NOC will be sent certified mail, return receipt requested.

Boilerplate: The boilerplate Notice of Opportunity to Correct Deficiencies can be found as Appendix B15.

ICE: Once sent, *NOC Sent to RP* must be entered as an action in the Case Screen. Once received by the responsible party, *NOC Received by RP* must be entered as an action in the Case Screen.

STEP 5: Determine Whether the Violation is PNC
Although ADEQ will consider all of the following in determining whether a violation is PNC, a violation of statute, rule, administrative order, or permit meeting any of the following criteria may constitute PNC:

- The violation was intended to result in, or actually resulted in, significant cost savings or profits to the responsible party
- The responsible party engaged in willful or negligent conduct leading to the violation. (e.g., the lack of provisions for detecting or preventing the violation)
- The responsible party previously received a NOV or administrative order for the same violation within the past two years
- ADEQ previously filed a civil complaint against the responsible party.
- The violation resulted in actual harm, or substantial risk of harm, to human health or the environment as determined using the following factors:
  - An actual release
  - Violation of a water quality standard[7]
  - Exceedance of a soil remediation standard[8]
  - Severe mismanagement of a pollutant
  - The amount of the pollutant involved
  - The toxicity of the pollutant involved
  - The proximity of biological/human receptors or sensitive environmental media such as a drinking water supply, populated area or surface water
  - Failure to notify persons potentially affected by the violation as required by law

[6] If the violation constitutes a caution level exceedance for a water permit, ADEQ will issue a caution letter.

[7] A.A.C. R18-11-101 *et seq.*

[8] A.A.C. R18-7-101 *et seq.*

STEP 6: Determine the Appropriate Follow-Up Enforcement Activity

The appropriate follow-up enforcement activity to be taken by ADEQ will be based upon the nature of the violation and the responsible party's response to ADEQ's identification of the violation.

If the responsible party has been issued an NOV (for a violation that is not PNC) and has adequately documented compliance

- Staff will prepare for the appropriate Division Director or Regional Director, a letter to the facility closing the NOV and stating that ADEQ will take no further action
- If approved by the Division Director or Regional Director, ADEQ will send the NOV Closure Letter (with no further action), administratively close the enforcement case opened by the issuance of the NOV and cease sending agency action update letters

Boilerplate: The boilerplate NOV Closure Letter (with no further action) can be found as Appendix B19.

ICE:

1) Upon receipt of the compliance documentation, *NOV Response Received from RP* must be entered as an action and the date achieved must be entered for each compliance documentation requirement in the Case Screen.
2) Once permission to close has been granted by the appropriate Division Director or Regional Director, *Perm. To Close Granted by Div. Director* must be entered in the Cases Screen.
2) Once the closure letter has been sent, *NOV Closure Letter Sent to RP (case closure)* must be entered as actions in the Case Screen.

If the responsible party has been issued an NOV (for a violation that is PNC) and has adequately documented compliance

- ADEQ will issue a letter to the facility acknowledging documentation of compliance, but reserving the possibility of further action.
- If the violation was discovered during the course of an inspection, ADEQ will continue to send agency action update letters until either the filing of a civil complaint or sending a letter stating that ADEQ will take no further action.
- When negotiating a settlement penalty with the responsible party, ADEQ will take the timeliness of the responsible party's corrective action into consideration (in addition to the other factors described in Chapter 8 (Penalty Determinations)).

Boilerplate: The boilerplate Compliance Documented Letter (reserving further action) can be found as Appendix B20.

ICE:

1) Upon receipt of the compliance documentation, *NOV Response Received from RP* must be entered as an action and the date achieved must be entered for each compliance documentation requirement in the Case Screen.

2) Once the closure letter has been sent, *Compliance Document Letter Sent to RP* must be entered as an action in the Case Screen.

If the responsible party has been issued an NOV (for a violation that is not PNC) and has not adequately documented compliance within the deadlines set in the NOV:

- Immediately upon discovery of a missed NOV deadline, an ADEQ compliance officer must contact the responsible party via telephone to discuss the responsible party's options for demonstrating compliance. THIS CONVERSATION MUST BE DOCUMENTED IN THE FACILITY FILE AND THE ICE DATABASE. The ADEQ compliance officer will explain that a Consent Order must be signed within 45 days to avoid the issuance of a unilateral Compliance Order by ADEQ. The employee should also point out that if the alleged violation is resolved within the next 45 days, there will be no need for a Consent Order or Compliance Order. The compliance officer must make it clear, though, that it is at the responsible party's peril to forgo negotiation of a Consent Order in favor of attempting to achieve compliance within 45 days, because at the end of the 45 day period one of the following three things must have occurred:
  1) ADEQ must have acknowledged in writing that the *Documenting Compliance* provisions under the NOV had been met (i.e., the alleged violation has been satisfactorily resolved);
  2) ADEQ must have entered into a Consent Order with the responsible party; or
  3) ADEQ must have issued a Compliance Order requiring compliance.
- After documenting the telephone conversation ADEQ will send an NOV Reminder Letter to the responsible party certified mail, return receipt requested, with a proposed meeting agenda, a copy of the Consent Order Negotiation Guidelines and the boilerplate Consent Order attached.
- The Director's approval of a draft Consent Order must be obtained via completion and routing of the Enforcement Action/Settlement Approval form prior to sending the draft Consent Order to the responsible party. The draft Consent Order should be attached to the form.
- If the violation was discovered during the course of an inspection, ADEQ will continue to send agency update letters until the entry of a Consent Order or issuance of a Compliance Order.
- ADEQ will then proceed to either negotiate a Consent Order in accordance with the Consent Order Negotiation Guidelines, or issue a Compliance (or Abatement) Order.
- If for a drinking water system, wastewater treatment or disposal facility, or solid waste disposal facility, a copy of the Consent Order or Compliance Order must be sent to the appropriate county official(s) and if deemed appropriate by the appropriate section manager, to any affected environmental justice community.
- Press materials may be released with the issuance of Consent Order or Compliance (or Abatement) Order if deemed appropriate by the appropriate division director.

Boilerplate: The boilerplate NOV Reminder Letter can be found as Appendix B22.

Boilerplate: The boilerplate Enforcement Action/Settlement Approval form can be found as Appendix B39.

Policy: The Notification Policy For Local Governmental Agencies can be found as Appendix P11.

Policy: The Compliance and Enforcement Press Policy can be found as Appendix P16.

ICE:

1) Immediately after a missed NOV deadline, *NOV Deadline Missed by RP* must be entered as an action in the Case Screen.
2) After the telephone conversation with the RP, *NOV Follow-up Phone Call w/RP* must be entered as an action in the Case Screen.
3) After sending the reminder letter, *NOV Reminder Letter Sent to RP* must be entered as an action in the Case Screen. Once received by the responsible party, *NOV Reminder Letter Received by RP* must be entered as an action in the Case Screen.
4) Once the Enforcement Action/Settlement Approval form has been submitted to the Director, *Req To Pursue Esc. Enforce. Sent to Director* must be entered as an action in the Case Screen.
5) If approval to proceed has been obtained from the Director, *Perm. Granted for Esc. Enforce Frm Director* must be entered as an action in the Case Screen.

If the responsible party has been issued an NOV (for a violation that <u>is</u> PNC) and has <u>not</u> adequately documented compliance within the deadlines set in the NOV:

- If the violation *is not* causing an immediate and significant threat to public health or the environment, ADEQ will refer the case to the Attorney General's Office via a Case Development Memorandum for Negotiating a Civil Settlement .
- If the violation *is* causing an immediate and significant threat to public health or the environment, ADEQ will request a temporary restraining order or preliminary injunction via a Request for Assignment of Assistant Attorney General to be followed by a Case Development Memorandum for Filing of a Civil Complaint.
- If the violation was discovered during the course of an inspection, ADEQ will continue to send agency update letters until the filing of a civil complaint.
- If for a drinking water system, wastewater treatment or disposal facility, or solid waste disposal facility, notice of the filing of a civil complaint must be sent to the appropriate county official(s) and if deemed appropriate, to any affected environmental justice community
- Civil enforcement actions should be publicized using at least a press release

Boilerplate: The boilerplate Request for Assignment of an Assistant Attorney General can be found as Appendix B24.

Boilerplate: The boilerplate Case Development Memorandum for Filing a Civil Complaint can be found as Appendix B3.

Boilerplate: The boilerplate Case Development Memorandum for Negotiating a Civil Settlement can be found as Appendix B4.

Policy: The Notification Policy For Local Governmental Agencies can be found as Appendix P11.

Policy: The Compliance and Enforcement Press Policy can be found as Appendix P16.

ICE:
1) Immediately after a missed NOV deadline, *NOV Deadline Missed by RP* must be entered as an action in the Case Screen.
2) Once the CDM has been signed by the agency's compliance and enforcement coordinator, *Case Development Memorandum Completed* must be entered in the Case Screen.
3) Once an Assistant Attorney General has been assigned, *Assistant Attorney General Assigned* must be entered as an action and the name of the attorney must be entered as additional information in the Case Screen.

If the responsible party has been issued an NOC and <u>has</u> adequately documented compliance:

- ADEQ will issue a letter to the responsible party closing the NOC.
- ADEQ will cease sending agency action update letters.

Boilerplate: The boilerplate NOC Closure Letter can be found as Appendix B14.

ICE:
1) Upon receipt of the compliance documentation, *NOC Response Received from RP* must be entered as an action in the Case screen, and the date achieved must be entered for each compliance documentation requirement.
2) Once the closure letter has been sent, *NOC Closure Letter Sent to RP* must be entered as an action in the Case Screen.

If the responsible party has been issued an NOC and has <u>not</u> adequately documented compliance:

Within 180 days of the original inspection date, ADEQ must either reinspect the facility or otherwise follow up to determine whether the facility has corrected the violation.

- If the violation *has been* corrected, ADEQ will issue a letter to the responsible party closing the NOC.
- If the violation *has not been* corrected, staff will prepare an NOV and cover letter for approval by the appropriate Division Director or Regional Director. This will result in another determination of the appropriate follow-up activity based upon the responsible party's response to the NOV.
- If the responsible party has submitted an inadequate response to ADEQ, ADEQ will send a letter to the responsible party explaining the inadequacy of the response.

ICE:
1) Upon receipt of a response from the responsible party, *NOC Response Received from RP* must be entered as an action in the Case Screen.
2) Once sent, *NOC Response Letter Sent to RP* must be entered as an action in the Case Screen
3) Immediately after a NOC missed deadline, *NOC Deadline Missed* must be entered and *NOC Follow-up Inspection to be Conducted* must be entered as actions in the Case Screen.

If the responsible party has been issued a Compliance Order, Abatement Order or entered into a Consent Order and has violated the Order:

- Staff will prepare a Notice of Violation (NOV) and cover letter for approval by the appropriate Division Director or Regional Director.
- If the violation *is not* causing an immediate and significant threat to public health or the environment:
  - For non hazardous waste orders, ADEQ will refer the case to the Attorney General's Office via a Case Development Memorandum for the Negotiating a Civil Settlement that will include both injunctive relief and a civil penalty.
  - For hazardous waste orders, ADEQ will issue an Order Assessing a Civil Penalty.
- If the violation *is* causing an immediate and significant threat to public health or the environment, ADEQ will request a temporary restraining order or preliminary injunction via a Request for Assignment of Assistant Attorney General to be followed by a Case Development Memorandum for Filing a Civil Complaint.
- If the violation was discovered during the course of an inspection, ADEQ will continue to send agency update letters until the filing of a civil complaint .

Boilerplate: The boilerplate administrative order Notice of Violation cover letter language can be found as Appendix B26.

Boilerplate: The boilerplate Notice of Violation can be found as Appendix B18.

Boilerplate: The boilerplate Case Development Memorandum for Negotiating a Civil Settlement can be found as Appendix B4.

Boilerplate: The boilerplate Order Assessing a Civil Penalty can be found as Appendix B6.

Boilerplate: The boilerplate Case Development Memorandum for Filing a Civil Complaint can be found as Appendix B3.

Boilerplate: The boilerplate Request for Assignment of an Assistant Attorney General can be found as Appendix B24.

ICE:

1) *Case Recommended* must be entered as an action in the Inspections Screen and the alleged violations, description of facts and compliance documentation requirements must be entered in the Case Screen.
2) Once sent, *NOV Sent to RP* must be entered as an action in the Case Screen. Once received by the responsible party, *NOV Received by RP* must be entered as an action in the Case Screen.
3) Once the CDM has been signed by the agency's compliance and enforcement coordinator, *Case Development Memorandum Completed* must be entered in the Case Screen.
4) Once an Assistant Attorney General has been assigned, *Assistant Attorney General Assigned* must be entered as an action and the name of the attorney must be entered as additional information in the Case Screen.

If the responsible party has been issued a Compliance Order, Abatement Order or entered into a Consent Order and has met the terms of the order:

ADEQ will issue a Termination of Administrative order to the responsible party.

Boilerplate: The boilerplate Termination of Order can be found as Appendix B25.

ICE:

1) Upon receipt of a request for termination of a Compliance Order, Abatement Order, or Consent Order, *Order Termination Request from RP* must be entered as an action in the Case screen.
2) Once the request has been approved, *Order Terminated* must be entered as an action in the Case Screen.

If the responsible party is subject to a Civil Judgment (including a Consent Judgment or Consent Decree) and has violated the Judgment:

- Staff will prepare a Notice of Violation (NOV) and cover letter for approval by the appropriate Division Director or Regional Director.
- If an NOV is issued and a Compliance Documented Letter (reserving further action) is sent, ADEQ will then request that the responsible party submit payment of the stipulated penalties due under the Consent Judgment or Decree.
- If payment is not submitted after the request, ADEQ will refer the issue to the Attorney General's Office.
- If the violation is of a civil judgment, ADEQ will request that the Attorney General's Office file a motion to show cause via a Request for Assignment of Assistant Attorney General and a Case Development Memorandum for Filing a Civil Complaint.
- If the violation was discovered during the course of an inspection, ADEQ will continue to send agency update letters until the filing of a civil complaint or until notifying the responsible party that no further action will be taken.

Boilerplate: The boilerplate Notice of Violation cover letter language can be found as Appendix B21.

Boilerplate: The boilerplate Notice of Violation can be found as Appendix B18.

Boilerplate: The boilerplate Case Development Memorandum for Filing a Civil Complaint can be found as Appendix B3.

Boilerplate: The boilerplate Request for Assignment of an Assistant Attorney General can be found as Appendix B24.

ICE:

1) *Case Recommended* must be entered as an action in the Inspections Screen and the alleged violations, description of facts and compliance documentation requirements must be entered in the Case Screen.
2) Once sent, *NOV Sent to RP* must be entered as an action in the Case Screen. Once received by the responsible party, *NOV Received by RP* must be entered as an action in the Case Screen.
3) Once sent, *Stipulated Penalty Demand Letter Sent to RP* must be entered as an action in the Case Screen. Once received by the responsible party, *Stipulated Penalty Demand Letter Received by RP* must be entered as an action in the Case Screen. Once paid, *Stipulated Penalty Payment Received from RP* must be entered as an action in the Case Screen.

4) Once the CDM has been signed by the agency's compliance and enforcement coordinator, *Case Development Memorandum Completed* must be entered in the Case Screen.
5) Once an Assistant Attorney General has been assigned, *Assistant Attorney General Assigned* must be entered as an action and the name of the attorney must be entered as additional information in the Case Screen.

If the responsible party has entered into a Consent Judgment or Consent Decree and has met the terms of the order:
ADEQ will send a memorandum to the Attorney General's Office requesting the filing of a motion to terminate the Consent Judgment or Decree.

ICE:

1) Upon receipt of a request for termination of a Consent Judgment or Consent Decree, *Judgment/Decree Termination Request from RP* must be entered as an action in the Case screen.
2) Once the motion has been filed with the court, *Judgment Decree Closed* must be entered as an action in the Case Screen.

CHAPTER 8: PENALTY DETERMINATIONS

ADEQ will determine what constitutes an appropriate settlement penalty on a case-by-case basis, but once a civil complaint seeking penalties has been filed, there will be no settlement without the payment of a significant penalty. In general, the penalty must recapture any identifiable economic gain, and have a deterrent impact on the responsible party. The environmental statutes administered by ADEQ generally contain penalty assessment criteria that a court must consider in determining an appropriate penalty at trial or a hearing. The criteria described below have been developed with these statutory criteria in mind and are used by ADEQ when establishing an appropriate settlement penalty. Not all criteria will be applicable in each situation. In addition, an appropriate settlement may include a penalty mitigation for implementation of a Supplemental Environmental Project (SEP). Although there is no minimum amount for any given penalty, the penalty must recapture any economic gain. The settlement penalty must be reasonably proportionate to the statutory maximum civil penalty. Furthermore, the penalty amount claimed in a civil complaint will be the statutory maximum penalty.[1]

The weight given to each factor described below will be determined by the individual program either on a case-by-case basis, or through the development of program-specific guidance. Several programs have developed such penalty calculation guidance. These guidance documents have been included as appendices:

Appendix:

Program	Penalty Calculation Appendix
Air Quality - General	None
Air Quality - Asbestos	None
Drinking Water - Civil	P4
Drinking Water - Administrative	None
Hazardous Waste - Civil	P7
Hazardous Waste - Civil Administrative	G2
LUST Enforcement	None
Solid Waste	None
UST Inspections & Compliance	None[2]

[1]Although ADEQ will always seek the statutory maximum in a civil complaint, ADEQ may find it appropriate to ask for a penalty less than the statutory maximum during the course of a penalty hearing before the court.

[2]UST Inspections & Compliance penalty calculations will be conducted pursuant to U.S. EPA Office of Solid Waste and Emergency Response Directive 9610.12, *U.S. EPA Penalty Guidance for Violations of UST Regulations.*

Vehicle Emissions	None
Water Pollution Control	None
WQARF	None

GENERAL INITIAL SETTLEMENT PENALTY OFFER ADJUSTMENT FACTORS

The factors described below are largely based upon the criteria imposed on courts and have been used to develop the program-specific penalty calculation procedures listed above. These factors will also be used on a case-by-case basis by those programs that have not developed a program-specific guidance to determine the first offer of settlement. The calculated first offer of settlement will be part of the Case Development Memorandum sent the Attorney General's Office for the purposes of requesting legal representation in negotiating a civil settlement. The bottom line for settlement will typically be set after considering the General Settlement Criteria described below in consultation with the Attorney Generals' Office.

Aggravating Factors

Seriousness of violation: includes threat or actual harm to human health and/or the environment and/or ADEQ's regulatory program.

History of repeated violations: a history of repeated violations of the same rules or statutes or payment of previous penalties for the same violations or similar violations.

Record of noncompliance: a history of violation of other environmental laws and regulations, whether federal, Arizona or local.

Recalcitrance: refusal to comply with ADEQ requirements or directives, including deliberate attempts to delay the settlement process by unnecessarily extending negotiations.

Duration of violation: the violation has continued over a period of time, with the responsible party's knowledge and no or minimal attempts have been made to correct the violation.

Other evidence of bad faith: unique bad faith factors, such as ignoring past efforts to acquaint the responsible party with applicable requirements or acts of willful or gross negligence.

Mitigating Factors

Good faith efforts: timely corrective action or other evidence of good faith that results in progress towards compliance.

Fault shared by another responsible party: if more than one responsible party is responsible for the violation, the penalty may be apportioned based on ADEQ's knowledge of the facts and professional judgment.

Other mitigating factors: ADEQ will consider other factors which may indicate the need for a reduction in penalty. For example, conflicting guidance from ADEQ or other regulatory agencies concerning the particular activity may be considered.

Deterrence Factors

Economic impact of the penalty: the penalty must be sufficiently harsh to deter the responsible party from repeated violations and recapture any identifiable economic gain.

Deterrence value to other potential responsible parties: consideration should be given as to whether the penalty will deter other potential responsible parties from similar acts.

GENERAL SETTLEMENT CRITERIA

The following settlement criteria are not considered in calculating the initial settlement penalty offer, but should be considered in determining an appropriate final settlement (i.e., the bottom line).

Likelihood of Success

In conjunction with advice from the Attorney General's Office, ADEQ should assess its chances of prevailing in litigation and whether ADEQ has a reasonable probability of getting a judgment that is at least as great as the penalties sought.

Relevant Judicial Precedent

ADEQ, in conjunction with the Attorney General's Office, should consider judicial precedent to determine penalties assessed by courts under similar circumstances.

Ability to Pay Penalty:

The penalty should not bankrupt the responsible party unless the responsible party has demonstrated an inability to remain solvent and finance environmental compliance. As a result, inability to pay may be considered. However, inability to pay must be established by the responsible party through clear and convincing evidence. Furthermore, payment schedules are preferred over a reduction in penalties, but a penalty payment schedule generally should not exceed three years. When a payment schedule is agreed upon, interest should be included. Interest should be at 10% per annum, unless the imposition of that rate would impose an extraordinary hardship upon the responsible party. If the 10% rate would impose such a hardship, a lesser amount may be negotiated.

SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)

To further ADEQ's goals to protect and enhance public health and the environment, a Supplemental Environmental Project (SEP) may be included in a civil settlement to mitigate a portion of the civil penalty.[3] This Section sets forth the types of projects that are permissible as SEPs, the penalty mitigation appropriate for a particular SEP, and the terms and conditions under which they may become part of a settlement. The primary purpose of a SEP is to encourage and obtain environmental and public health protection and improvements that may not otherwise have occurred without the settlement incentives provided by the use of SEPs.

As described above, ADEQ considers such factors as the economic benefit, the gravity or seriousness of the violation, and prior compliance history when establishing an appropriate settlement penalty. Evidence of a responsible party's commitment and ability to perform a SEP is

[3]Stipulated penalties for violations of consent decrees or other settlement agreements may not be mitigated through the use of SEPs.

also a relevant factor that ADEQ will consider in establishing an appropriate settlement penalty. All else being equal, the final settlement penalty will be lower for a responsible party who agrees to perform an acceptable SEP compared to the responsible party who does not agree to perform a SEP. Although ADEQ encourages the use of SEPs that are consistent with this Section, SEPs may not be appropriate in the settlement of all cases. Although ADEQ may suggest a willingness to consider SEPs as part of settlement and generally describe the criteria for an acceptable SEP, it is the responsible party's responsibility to propose specific SEPs and to demonstrate that the criteria within this Section have been met. While penalties play an important role in environmental protection by deterring violations and creating a level playing field, SEPs can play an additional role in securing significant environmental or public health protection and improvements.

When evaluating a proposed project to determine if it qualifies as a SEP and determining how much penalty mitigation is appropriate, ADEQ will use the following five-step process:

STEP 1: Ensure that the project meets the basic definition of a SEP

SEPs are environmentally beneficial projects which a responsible party agrees to undertake in settlement of a penalty action, but which the responsible party is not otherwise legally required to perform. When proposing a SEP, the responsible party must demonstrate to ADEQ that the SEP improves, protects, or reduces a risk to public health, or the environment at large. While in some cases a SEP may provide the responsible party with certain benefits, there must be no doubt that the project primarily benefits public health or the environment. As a result, the project or activity must have been initiated after identification of the violation by ADEQ, and must not otherwise be required by any federal, state or local law or regulation.[4] Furthermore, SEPs cannot include corrective actions that the responsible party must perform to resolve the violations at issue.

STEP 2: Ensure that the following guidelines are satisfied

- A SEP must be consistent with the provisions of the statutes that are the basis of the enforcement action.
- All SEPs must advance at least one of the objectives of the environmental statutes that are the basis of the enforcement action and must have adequate nexus. Nexus is the relationship between the violation and the proposed project. This relationship exists only if any of the following is true:
  - The project is designed to reduce the likelihood that similar violations will occur in the future; or
  - The project reduces the adverse impact to public health or the environment to which the violation at issue contributes; or

[4] SEPs may include activities which the defendant/respondent will become legally obligated to undertake two or more years in the future, if the project will result in the facility coming into compliance earlier than the deadline. Such "accelerated compliance" projects are not allowable, however, if the regulation or statute provides a benefit (e.g., a higher emission limit) to the defendant/respondent for early compliance.

- The project reduces the overall risk to public health or the environment potentially affected by the violation at issue.

- ADEQ must not play any role in managing or controlling funds that may be set aside or escrowed for performance of a SEP. ADEQ must also not retain authority to manage or administer the SEP. ADEQ may perform oversight to ensure that a project is implemented pursuant to the provisions of the settlement and must have legal recourse if the SEP is not adequately performed.
- The type and scope of each project must be explicitly defined in the signed settlement agreement. The agreement should describe the specific actions to be performed by the responsible party and provide for a reliable and objective means to verify that the responsible party has completed the project in a timely manner. This may require the responsible party to submit periodic reports to ADEQ. A final report certified by an appropriate corporate official and evidencing completion of the SEP and documenting SEP expenditures, should be required. To the extent feasible, the responsible party should be required to quantify the benefits associated with the project and provide ADEQ with a report setting forth how the benefits were measured or estimated. The responsible party must agree that whenever it publicizes a SEP or the results of a SEP, it will state in a prominent manner that the project is being undertaken as part of the settlement of an enforcement action. SEPs which require ADEQ review and comment on interim milestone activities, and other complex SEPs may not be appropriate because of the time commitment that must be made on behalf of ADEQ.
- A project cannot be used to satisfy ADEQ's statutory obligation or another state agency's obligation to perform a particular activity. Furthermore, if a state statute prohibits the expenditure of state resources on a particular activity, ADEQ cannot consider projects that would appear to circumvent that prohibition.
- A project must not provide additional resources to support specific activities performed by ADEQ employees or ADEQ contractors.

STEP 3: Ensure that the project fits within one (or more) of the designated categories of SEPs. ADEQ has identified seven specific categories of projects which may qualify as SEPs. In order for a proposed project to be accepted as a SEP, it must satisfy the requirements of at least one category.[5]

1) Public Health

A public health project provides diagnostic, preventative and/or remedial components of human health care which is related to the actual or potential damage to human health caused by the violation. Public health SEPs are acceptable only where the primary benefit of the project is the population that was harmed or put at risk by the violations.

[5]Projects determined to have environmental merit which do not fit within at least one of the seven categories above but that are otherwise fully consistent with all other provisions of this Section, may be accepted with the advance approval of the ADEQ Director.

Examples: Epidemiological data collection and analysis, medical examinations of potentially affected persons, collection and analysis of blood/fluid/tissue samples, medical treatment and rehabilitation therapy.

2) Pollution Prevention

A pollution prevention project is one which reduces the generation of pollution through "source reduction", including any practice which reduces the amount of any hazardous substance, pollutant or contaminant entering any waste stream or otherwise being released into the environment, prior to recycling, treatment or disposal. (After the pollutant or waste stream has been generated, pollution prevention is no longer possible and the waste must be handled by appropriate recycling, treatment, containment, or disposal methods.) In all cases, for a project to meet the definition of pollution prevention, there must be an overall decrease in the amount and/or toxicity of pollution released to the environment, not merely a transfer of pollution among media. This decrease may be achieved directly or through increased efficiency (conservation) in the use of energy, water or other materials.

Examples: Equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, inventory control, or other operation and maintenance procedures. Pollution prevention also includes any project which protects natural resources through conservation or increased efficiency in the use of energy, water or other materials. "In-process recycling" wherein waste materials produced during a manufacturing process are returned directly to production as raw materials on site, is considered a pollution prevention project.

3) Pollution Reduction

If the pollutant or waste stream has already been generated or released, a pollution reduction approach which employs recycling, treatment, containment or disposal techniques may be appropriate. A pollution reduction project is one which results in a decrease in the amount and/or toxicity of any hazardous substance, pollutant or contaminant entering any waste stream or otherwise being released into the environment by an operating business or facility by a means which does not qualify as "pollution prevention".

Examples: Installation of more effective end-of-process control or treatment technology, or improved containment, or safer disposal of an existing pollutant source, out-of-process recycling (i.e., industrial waste collected after the manufacturing process and/or consumer waste materials are used as raw materials for production off-site).

4) Environmental Restoration

An environmental restoration project is one which enhances the condition of the ecosystem or immediate geographic area adversely affected. These projects may be used to restore natural environments (such as ecosystems) and man-made environments, such as facilities and buildings. This category also includes any project which improves the overall condition of the ecosystem.

Examples: Restoration of a wetland in the same ecosystem along the same avian flyway in which the facility is located, the protection of endangered species (e.g., developing conservation programs or protecting habitat critical to the well-being of a species endangered by the violation), remediation of facilities and buildings, (provided such

activities are not otherwise legally required), removal/mitigation of contaminated materials (such as soils, asbestos and lead paint, which are a continuing source of releases and/or threat to individuals).

5) Assessments and Audits

The assessments and audits described below are potential SEPs under this category if they are not otherwise available as injunctive relief and the responsible party agrees to provide ADEQ with a copy of the report documenting the assessment or audit.

- Pollution prevention assessments are systematic, internal reviews of specific processes and operations designed to identify and provide information about opportunities to reduce the use, production, and generation of toxic and hazardous materials and other wastes. To be eligible for SEPs, such assessments must be conducted using a recognized pollution prevention assessment or waste minimization procedure to reduce the likelihood of future violations. Pollution prevention assessments are acceptable as SEPs with or without an implementation commitment by the responsible party.
- Environmental quality assessments are investigations of the condition of the environment at a site regardless of whether the site or facility is owned or operated by the responsible party. To be eligible as SEPs, such assessments must be conducted in accordance with recognized protocols, if available, applicable to the type of assessment to be undertaken.

  Examples: Investigations of levels or sources of contamination in any environmental media at a site, or monitoring of the air, soil, or water quality surrounding a site or facility.
- Environmental compliance audits are independent evaluations of the responsible party's compliance status with environmental requirements. Credit is only given for the costs associated with conducting the audit. While the SEP should require all violations discovered by the audit to be promptly corrected, no credit is given for remedying the violation. In general, compliance audits are acceptable as SEPs only when the defendant/respondent is a small business or small community.

6) Environmental Compliance Promotion/Research

An environmental compliance promotion or research project provides training, technical support, or information to other members of the regulated community to identify, achieve or maintain compliance with applicable statutory and regulatory requirements, or go beyond compliance by reducing the generation, release or disposal of pollutants beyond legal requirements. Environmental compliance promotion/research SEPs are acceptable only where the primary impact of the project is focused on the same regulatory program requirements which were violated and where ADEQ has reason to believe that compliance in the sector would be significantly advanced by the proposed project.

Examples: Producing a seminar directly related to correcting widespread or prevalent violations within the responsible party's economic sector. Collection of baseline environmental data to be used in research improving, protecting or reducing risks to public health and the environment. Development of new treatment technologies that could be used to reduce the generation, release, or disposal of pollutants beyond legal requirements.

7) Emergency Planning and Preparedness

An emergency planning and preparedness project provides assistance to a responsible local emergency response or planning entity. This is to enable these organizations to fulfill their obligations under the Emergency Planning and Community Right-to-Know Act (EPCRA) to collect information to assess the dangers of hazardous chemicals present at facilities within their jurisdiction, to develop emergency response plans, to train emergency response personnel and to better respond to chemical spills.

Examples: Providing computers and software, communication systems, chemical emission detection and inactivation equipment, HAZMAT equipment, or training to a responsible local emergency response or planning entity

STEP 4: Determine the appropriate amount of penalty mitigation

A SEP may be substituted for a portion of the calculated penalty or settlement amount. However, some penalty must be paid. Generally, the net present after-tax cost of the SEP should be the equivalent of twice the remaining unpaid balance of the calculated penalty or settlement amount. Other ratios can be imposed based upon the facts and the type of SEP imposed, but must be approved in advance by ADEQ's Office of Special Counsel.

STEP 5: Ensure that the project satisfies all of the implementation and other criteria.

Whether ADEQ decides to accept a proposed SEP as part of a settlement, and the amount of any penalty mitigation that may be given for a particular SEP, is purely within ADEQ's discretion. Even though a project appears to satisfy all of the provisions of this Section, ADEQ may decide, for one or more reasons, that a SEP is not appropriate (e.g., the cost of reviewing a SEP proposal is excessive, the oversight costs of the SEP may be too high, the responsible party may not have the ability or reliability to complete the proposed SEP, or the deterrent value of the higher penalty amount outweighs the benefits of the proposed SEP).

Community Input During SEP Development

In appropriate cases and at the sole discretion of the agency, ADEQ may make special efforts to seek input on project proposals from the local community that may have been adversely impacted by the violations. The purpose of seeking input from the impacted community is to ensure that a SEP proposed by the responsible party meets the criteria for an acceptable SEP and to determine whether the community would benefit from the SEP. The seeking of input is not intended to solicit new SEPs or to entertain alternative SEP proposals from the community. Community involvement in SEPs may be most appropriate in cases where the range of possible SEPs is great and/or multiple SEPs may be negotiated. When soliciting community input, ADEQ will follow the guidelines set forth below.

- Community input should be sought only after:
  - The responsible party has expressed an interest in performing a SEP;
  - The responsible party has expressed a willingness to seek community input;
  - ADEQ knows approximately how much money will be available for a SEP; and
  - Settlement of the enforcement action is likely.

- To solicit input, ADEQ may contact local community organizations, local elected leaders, local chambers of commerce, or other groups.
- To ensure that communities have a meaningful opportunity to participate, ADEQ should provide information about what SEPs are, the opportunities and limits of such projects, the confidential nature of settlement negotiations, and the reasonable possibilities and limitations in the current enforcement action.
- When possible, the name of the responsible party and the status of the action should remain confidential.
- Representatives of community groups must not participate directly in the settlement negotiations due to the confidential nature of settlement negotiations.

STIPULATED PENALTIES/LIQUIDATED DAMAGES

Stipulated penalties and/or liquidated damages must be a part of all Consent Orders, Consent Judgments and Consent Decrees signed by ADEQ. That is, if the responsible party violates a requirement of a Consent Order, Consent Judgment or Consent Decree (including a SEP requirement), the party should be required to pay a penalty negotiated in the settlement agreement. The appropriate amount of the stipulated penalty or liquidated damages will be determined on a case-by-case basis and may differ depending on the specific requirements within the settlement agreement, but must be explicitly described in the settlement document.

Policy: The Civil Penalty Policy can be found as Appendix P2.

CHAPTER 9: ENFORCEMENT APPROVAL PROCEDURES

ADEQ will follow the following approval procedures when issuing both informal and formal enforcement documents. When expedited action is needed, though, the Division Director or Regional Director may obtain the Director's verbal approval of the initiation or settlement of a formal enforcement action. The Division Director or Regional Director should send a brief e-mail confirming the approval to the Director, Deputy Director, Enforcement Coordinator, and manager responsible for taking the action or finalizing the settlement. Nevertheless, initiation or settlement of a formal enforcement action may not occur until the Director's approval has been obtained via a signature on the Enforcement Action/Settlement Approval form or an e-mail from the appropriate Division Director or Regional Director confirming the Director's approval.

Appendix: The Summary of Enforcement Approval Procedures - Phoenix Office can be found as Appendix M8.

Appendix: The Summary of Enforcement Approval Procedures - Regional Offices can be found as Appendix M9.

Boilerplate: The boilerplate Enforcement Action/Settlement Approval Form can be found as Appendix B39.

NOTICE OF OPPORTUNITY TO CORRECT (NOC)

After being signed by the inspector (or compliance officer), an NOC must be routed to the appropriate Unit Manager for his or her co-signature.[1]

NOTICE OF VIOLATION (NOV)/NOTICE OF ENVIRONMENTAL NUISANCE (NEN)

1) The NOV or NEN must be routed through the appropriate Unit Manager, through the appropriate Section Manager to the appropriate Division Director for approval.
2) Once approved by the Division Director, the NOV or NEN may be signed by the inspector (or compliance officer) and routed to the appropriate Unit Manager for his or her co-signature.[1]

NOTICE OF VIOLATION CLOSURE LETTER (WITH NO FURTHER ACTION)

1) The NOV Closure Letter (with no further action) must be routed through the appropriate Unit Manager, through the appropriate Section Manager, to the appropriate Division Director for approval.
2) Once approved by the Division Director, the NOV Closure Letter (with no further action) may be routed to the appropriate Unit Manager for signature.

[1] Except for UST Inspection and Compliance NOVs and NOCs that are issued in the field with the signature of the inspector only. NOVs issued in the field by the UST Inspection and Compliance Unit must be submitted to the Waste Programs Division Director who may withdraw the NOV in favor of issuing an NOC.

CONSENT ORDER

Phoenix Office

1) Using the Enforcement Action/Settlement Approval Form, the draft Consent Order must be routed from the appropriate Section Manager, through the appropriate Division Director, the Enforcement Coordinator, and the Deputy Director to the Director for approval.
2) Once the Director has signed the Enforcement Action/Settlement Approval Form, the draft Consent Order may be sent to the responsible party for review.
3) Once signed by the responsible party, the Consent Order must be routed from the appropriate Unit Manager through the appropriate Section Manager to the appropriate Division Director for signature.
4) Once signed by both parties, the Consent Order must be routed to the Hearing Administrator in the Office of Special Counsel for entry and distribution.

Regional Offices

Before drafting a Consent Order, a Regional Office must first discuss with the appropriate Division whether a Consent Order is warranted, and if so, which ADEQ office will be responsible for pursuing the order. The Division Director, in consultation with the Regional Office Director, may: 1) Decide that a Consent Order will not be pursued; 2) Pursue the Consent Order in the Phoenix Office using the procedures described above; or 3) allow the Regional Office to pursue the Consent Order. If the Regional Office is given authorization to pursue the Consent Order, it must follow the following procedures:

1) Using the Enforcement Action/Settlement Approval Form, the draft Consent Order must be routed from the Regional Director through the appropriate Division Director, the Enforcement Coordinator, and the Deputy Director to the Director for approval.
2) Once the Director has signed the Enforcement Action/Settlement Approval Form, the draft Consent Order may be sent to the responsible party for review.
3) Once signed by the responsible party, the Consent Order must be routed from the appropriate manager in the regional office, through the Enforcement Coordinator to the Regional Director, for signature.[2]
4) Once signed by both parties, the Consent Order must be routed to the Hearing Administrator in the Office of Special Counsel for entry and distribution.

COMPLIANCE/ABATEMENT ORDER

Phoenix Office

1) Using the Enforcement Action/Settlement Approval Form, the draft Compliance Order or Abatement Order must be routed from the appropriate Section Manager, through the appropriate Division Director, the Enforcement Coordinator, and the Deputy Director, to the Director for approval.
2) Once the Director has signed the Enforcement Action/Settlement Approval Form, the Order may be signed by the appropriate Division Director.

---

[2]The Regional Directors' authority to sign Consent Orders is limited to those Consent Orders entered pursuant to A.R.S. §§ 49-261, 49-354(B), and 49-461.

3) Once signed by the Division Director, the Order must be routed to the Hearing Administrator in the Office of Special Counsel for entry and distribution.

Regional Offices

Before drafting a Compliance/Abatement Order, a Regional Office must first discuss with the appropriate Division whether a Compliance/Abatement Order is warranted, and if so, which ADEQ office will be responsible for issuing the order. The Division Director, in consultation with the Regional Office Director, may: 1) Decide that a Compliance/Abatment Order will not be issued; 2) Issue the Compliance/Abatement Order from the Phoenix Office using the procedures described above; or 3) allow the Regional Office to issue the Compliance/Abatement Order. If the Regional Office is given authorization to issue the Compliance/Abatement Order, it must follow the following procedures:

1) Using the Enforcement Action/Settlement Approval Form, the draft Compliance Order or Abatement Order must be routed from the Regional Director, through the appropriate Division Director, the Enforcement Coordinator, and the Deputy Director to the Director for approval.
2) Once the Director has signed the Enforcement Action/Settlement Approval Form, the Order may be signed by the Regional Director.[3]
3) Once signed by the Regional Director, the Order must be routed to the Hearing Administrator in the Office of Special Counsel for entry and distribution.

<u>COMPLIANCE ORDER WITH CIVIL ADMINISTRATIVE PENALTY</u> (Drinking Water)

The approval procedures for issuing a compliance order with civil administrative penalty under the drinking water program depend on the type of violation, the size/type of the public water system, and the size of the penalty being assessed.

For missed monitoring and reporting violations associated with public water systems serving less than 500 persons and assessing a penalty of at least: $3,000 for a Transient, Non-Community System, $5,000 for a Community Water System, or $5,000 for a school

1) A Compliance Order with Civil Administrative Penalty must be routed through the appropriate unit manager and the Water Quality Compliance Section Manager to the Water Quality Division Director for signature. The Order must be accompanied by a memorandum that describes the rationale for the Order.
2) Once signed, the Order must be routed to the Hearing Administrator in the Office of Special Counsel for entry and distribution.

For all other violations resulting in a proposed compliance order with civil administrative penalty

1) Using the Enforcement Action/Settlement Approval Form, the draft Compliance Order with Civil Administrative Penalty must be routed from the Water Quality Compliance

[3]The Regional Directors' authority to sign Compliance Orders and Abatement Orders is limited to those Orders issued pursuant to A.R.S. §§ 49-261, 49-354(B), and 49-461.

Section Manager, through the Water Quality Division Director, the Enforcement Coordinator, and the Deputy Director to the Director for approval.

2) Once the Director has signed the Enforcement Action/Settlement Approval Form, the Compliance Order with Civil Administrative Penalty may be signed by the Water Quality Division Director.
3) Once signed by the Water Quality Division Director, the Order must be routed to the Hearing Administrator in the Office of Special Counsel for entry and distribution.

LICENSE SUSPENSION or LICENSE REVOCATION

1) Using the Enforcement Action/Settlement Approval Form, the draft License Suspension or Revocation must be routed from the appropriate Section Manager, through the appropriate Division Director, the Enforcement Coordinator, and the Deputy Director to the Director for approval.
2) Once the Director has signed the Enforcement Action/Settlement Approval Form, the Suspension or Revocation may be signed by the appropriate Division Director.
3) Once signed by the Division Director, the Suspension or Revocation must be routed to the Hearing Administrator in the Office of Special Counsel for entry and distribution.

ORDER ASSESSING A CIVIL PENALTY (hazardous waste administrative order violations)

1) The draft Order Assessing a Civil Penalty and a Request for Assignment of an Assistant Attorney General memorandum must be sent to the Arizona Attorney General's Office. The Request for Assignment of an Assistant Attorney General memorandum must include a brief explanation of the circumstances of the case along with the calculations made pursuant to the hazardous waste civil penalty guidance. The draft Order Assessing a Civil Penalty and the Request for Assignment of an Assistant Attorney General memorandum must be routed from the Hazardous Waste Section Manager, through the Waste Programs Division Director, the Enforcement Coordinator, and the Deputy Director to the Director. A Case Development Memorandum (CDM) is not required.
2) After consultation with the Attorney General's Office, the final administrative Order Assessing a Civil Penalty must be routed through the Hazardous Waste Inspections and Compliance Unit Manager, and the Hazardous Waste Section Manager to the Waste Programs Division Director for signature.
3) Once signed, the Order Assessing a Civil Penalty must be routed to the Hearing Administrator in the Office of Special Counsel for entry and distribution.

TERMINATION OF AN ADMINISTRATIVE ORDER

1) The Termination of Administrative Order must be routed from the appropriate Unit Manager, through the appropriate Section Manager to the appropriate Division Director or Regional Director[4] for signature.
2) Once signed, the Termination of Administrative Order must be routed to the Hearing Administrator in the Office of Special Counsel for entry and distribution.

[4]Regional Directors may terminate only those administrative orders issued by their Regional Office.

TEMPORARY RESTRAINING ORDER/PRELIMINARY INJUNCTION

1) A Request for Assignment of an Assistant Attorney General memorandum must be routed from the appropriate Unit Manager, through the appropriate Section Manager, the appropriate Division Director, the Enforcement Coordinator, and the Deputy Director to the Director for approval and transmittal to the Attorney General's Office.
2) Within 60 days of the assignment of an Assistant Attorney General a detailed Case Development Memorandum for Filing a Civil Complaint must be routed from the appropriate Section Manager, through the appropriate Division Director, the Enforcement Coordinator, and the Deputy Director to the Director for approval and transmittal to the Attorney General's Office.

PERMANENT INJUNCTION/CIVIL PENALTY

The approval process will be based upon whether a negotiated settlement is sought.

If a negotiated settlement is sought:

A Case Development Memorandum for Negotiating a Civil Settlement must be routed from the appropriate Section Manager, through the appropriate Division Director, the Enforcement Coordinator, and the Deputy Director to the Director for approval and transmittal to the Attorney General's Office.

If the filing of a civil complaint prior to settlement is sought with no attempt at negotiations:

A Request for Assignment of an Assistant Attorney General and a Case Development Memorandum for Filing a Civil Complaint must be routed from the appropriate Section Manager, through the appropriate Division Director, the Enforcement Coordinator, and the Deputy Director to the Director for approval and transmittal to the Attorney General's Office.

If the filing of a civil complaint prior to settlement is sought after an attempt to negotiate has failed:

A Case Development Memorandum for Filing a Civil Complaint must be routed from the appropriate Unit Manager, through the appropriate Section Manager, the appropriate Division Director, the Enforcement Coordinator, and the Deputy Director to the Director for approval and transmittal to the Attorney General's Office.

CIVIL SETTLEMENT

The Director's approval must be obtained prior to settling any civil action. Settlement discussions may be held without obtaining advanced approval, but the responsible party must be informed at the outset of negotiations, and when provisional agreement is reached, that no settlement is final until the Director has approved it.

1) Using the Enforcement Action/Settlement Approval Form, the draft Consent Judgment or Consent Decree must be routed from the appropriate Section Manger, through the appropriate Division Director, through the Enforcement Coordinator, and the Deputy Director, to the Director for approval.

2) Once the Director has signed the Enforcement Action/Settlement Approval Form, the Complaint and Consent Judgment may be signed by the Division Director.

CRIMINAL REFERRAL

- The Criminal Information Transmittal (CIT) memorandum must be routed through the appropriate Unit Manager, the appropriate Section Manager, the appropriate Division Director, the Enforcement Coordinator, and the Deputy Director to the Director for transmittal to the Attorney General's Office.
- All criminal referrals must be accompanied by a recommendation for a permanent injunction/civil penalty in accordance with the procedures described above (unless there is no underlying civil violation).

Policy: The Criminal Information Transmittal Policy can be found as Appendix P6.

BOARD OF TECHNICAL REGISTRATION REFERRAL

1) Documentary materials and a letter justifying the referral must be sent to the designated senior level registrant within the appropriate Division responsible for overall program administration for review and approval.
2) Once approved, the senior level registrant must send the documentary materials and letter through the Enforcement Coordinator and the Deputy Director to the Director for approval.
3) Once approved by the Director, the referral letter from the senior level registrant may be sent to the Board of Technical Registration along with all documentary materials.

CHAPTER 10: COMPLIANCE AND ENFORCEMENT TIME FRAMES

ADEQ will diligently and expeditiously prosecute all enforcement actions according to the following time frames:

- All self-monitoring and other compliance related reports will be entered into the compliance and enforcement tracking database within 30 calendar days of receipt by ADEQ.
- NOVs resulting from a review of self-monitoring or other compliance related reports will be issued within 60 calendar days of the required submittal date.
- NOVs resulting from a failure to submit a self-monitoring or other compliance related report will be issued within 30 calendar days of the required submittal date.
- Caution Letters resulting from a review of a Self-Monitoring Report Form associated with an Aquifer Protection Permit or Reuse Permit will be issued within 30 calendar days of the required submittal date.
- Inspection reports will be issued within 45 calendar days after the inspection.
- At least once every month, after the commencement of the inspection the inspector will provide the responsible party with an update on the status of any action resulting from an inspection through an Action Update Letter until ADEQ takes an agency action or notifies the responsible party that no action will be taken as a result of the inspection.
- NOCs and NOVs resulting from an inspection will be issued within 45 calendar days after the inspection.
- Within 30 calendar days of receipt of documentation of compliance by a facility that has been given an opportunity to correct deficiencies, ADEQ will examine the documentation to determine whether the facility has corrected the violation and notify the facility of its determination in writing.
- Within 45 calendar days of notifying the responsible party of a missed NOV deadline, one of the following three actions will have occurred:
  - The facility will have demonstrated compliance;
  - ADEQ will have entered into a Consent Order with the responsible party; or
  - ADEQ will have issued a Compliance (or Abatement) Order.

  A one time 15 calendar day extension may be allowed provided that there is a significant likelihood that the extension will result in the signing of a Consent Order or compliance.
- Referrals to the Attorney General's Office through a Case Development Memorandum will be made within 180 calendar days of becoming aware of the violation or missed NOV deadline.
- Administrative Orders, Permit Revocations, and Permit Suspensions become effective and enforceable in superior court after 30 calendar days of receipt by the responsible party, unless appealed.
- When required, a copy of the NOV, Consent Order, Compliance Order or civil complaint must be sent to the appropriate county official(s) within 30 calendar days of issuance or filing.

CHAPTER 11: SPECIAL PENALTY CONSIDERATIONS FOR SMALL BUSINESSES[1]

To promote the use of environmental audits and to encourage the voluntary disclosure and correction of violations, ADEQ will waive a significant portion of a civil penalty to be paid by a small business as part of a settlement, under the circumstances described below.[2] In general, ADEQ will waive up to 100% of the non-economic benefit portion of a penalty for those violations that are discovered through an internal audit, reported expeditiously to ADEQ, and corrected as soon as practicable. Although ADEQ will generally grant enforcement waivers when the requirements described below are met, no person is entitled to such a waiver as a matter of right. Furthermore, enforcement waivers will not be made available for violations related to the Leaking Underground Storage Tank Program, the State Assurance Fund Program, the State and federal superfund programs, or the Vehicle Emissions Program.

SIZE OF PENALTY REDUCTION

1. ADEQ will waive 75% of the non-economic benefit portion of a settlement penalty for those responsible parties meeting all of the requirements other than Systematic Discovery.
2. ADEQ will waive 100% of the non-economic benefit portion of a settlement penalty for those responsible parties meeting all of the requirements described below.

PENALTY REDUCTION REQUIREMENTS

Systematic Discovery

The violation must be discovered through an environmental audit or a compliance management system reflecting the responsible party's due diligence in preventing, detecting and correcting violations.

Voluntary Discovery

The violation must be identified and reported voluntarily and not through a legally mandated monitoring or sampling requirement prescribed by statute, rule, permit, civil judgment, or administrative order.

Prompt Disclosure

The disclosure must be made in writing to ADEQ within ten business days of the violation's discovery.

Discovery and Disclosure Independent of Government or Third-Party Action

The disclosure must occur before the violation was discovered by ADEQ or reported to ADEQ by a third-party (e.g., a complaint). Violations disclosed after ADEQ has scheduled a routine inspection with the responsible party will be considered on a case-by-case basis.

---

[1] All other businesses will be considered on a case-by-case basis, but must still meet the criteria described within this Chapter to be eligible.

[2] For the purposes of this handbook, a small businesses is defined as a concern, including its affiliates, which is independently owned and operated and which employs less than 20 full time employees, or had a gross income of less than two million dollars in its last fiscal year.

Correction and Remediation

The violations must be corrected within the shortest practicable time period, not to exceed 120 days following detection.

Prevent Recurrence

The responsible party must agree to take steps to prevent recurrence of the violation. Such steps may include development of a compliance management system.

No Repeat Violations

3. The responsible party must not have previously been subject to a Notice of Violation, citizens suit, or other enforcement action by a government agency for violation of the same or similar requirement within the previous year.
4. The responsible party must not have received a penalty reduction or waiver for violation of the same or a similar requirement within the past three years.

Violations Excluded

5. The violation must not pose an imminent and substantial endangerment to public health or the environment.
6. The violation must not have caused actual serious harm to public health, safety or the environment.
7. The violation must not involve criminal conduct.
8. The violation must not violate the specific terms of a civil judgment or administrative order.

Cooperation

The responsible party must be cooperative with ADEQ. Cooperation includes, at a minimum, providing all requested documents and access to employees and assistance in investigating the violation, any noncompliance problems related to the disclosure, and any environmental consequences related to the violations.

Policy: The Enforcement Waiver Policy (Small Business) can be found as Appendix P10.

ICE:

1) Upon receipt of a disclosure of violations, *Penalty Waiver Request Received from RP* must be entered as an action in the Case screen.
2) If a Penalty Waiver is granted, *Penalty Waiver Granted* must be entered as an action in the Case Screen.

CHAPTER 12: SPECIAL PENALTY CONSIDERATIONS FOR SMALL COMMUNITIES

In recognition of the limited financial, technical, and administrative resources available to small communities for environmental compliance, and to promote prioritization of environmental problems, ADEQ will make special penalty considerations for small communities willing to work with ADEQ to develop and implement a plan for protecting the environment. For the purposes of this handbook, small communities include non-profit governing entities (incorporated or unincorporated) owning facilities that supply municipal services to fewer than 2,500 residents. Other communities will be considered on a case-by-case basis based upon their administrative, technical and financial capacity to comply with environmental requirements. Such capacity considerations include: the number of staff hired by the community and their responsibilities, the degree of isolation from other nearby communities, the existing infrastructure, the average household income, the median housing values, employment opportunities within the community, population age representation, community revenue resources, the level of government that operates the utility systems, current bond debt, and an assessment of other State and Federal mandates competing with environmental mandates or the community's resources. The penalty waivers described in the previous chapter for small businesses are also available to small communities[1] with the following modifications:

SIZE OF PENALTY REDUCTION

1. ADEQ will waive 100% of a penalty for those small communities meeting all of the requirements described below.
2. If a small community has not met the Systematic Discovery requirement (i.e., the community has not yet adopted a Small Community Environmental Protection Plan (SCEPP)), ADEQ will still set off a higher than normal amount of a civil settlement penalty for the development of SCEPP provided all of the other requirements described below have been met.[2] As a result, if the small community agrees to correct the violation at issue and adopts an SCEPP as a Supplemental Environmental Project (SEP) described in a consent agreement, ADEQ will offset up to 75% of the civil penalty.

PENALTY REDUCTION REQUIREMENTS

Systematic Discovery

A small community can qualify for a 100% penalty reduction, by developing a comprehensive Small Community Environmental Protection Plan (SCEPP) which identifies and prioritizes noncompliance. A SCEPP may be developed with or without the assistance of ADEQ, but to qualify for the 100% waiver, the SCEPP must be acknowledged by ADEQ in writing prior to

[2]See the Supplemental Environmental Project section of Chapter 8 (Penalty Determinations) for a description of the normal offset allowed for a SEP.

identification of the violation(s) at issue by ADEQ. The requirements for an approvable SCEPP are described below.

Voluntary Discovery

The violation can be reported to ADEQ due to a legally mandated monitoring or sampling requirement prescribed by statute, rule, permit, civil judgment, or administrative order.

Prompt Disclosure

The disclosure must be made in writing to ADEQ within 10 business days of the violation's discovery.

Discovery and Disclosure Independent of Government or Third-Party Action

The disclosure must occur before the violation was discovered by ADEQ or reported to ADEQ by a third-party (e.g., a complaint). Violations disclosed after ADEQ has scheduled a routine inspection with the responsible party will be considered on a case-by-case basis.

Correction and Remediation

The violations must be corrected within the shortest practicable time period, but ADEQ will agree to extend the 120 day deadline for correction in a consent order or consent judgment.

Prevent Recurrence

The small community must agree to take steps to prevent recurrence of the violation through the development or modification of a SCEPP.

No Repeat Violations

There is no prohibition against repeat violations qualifying for the waiver, provided the small community has adopted and is following a SCEPP approved by ADEQ.

Violations Excluded

The violation must not involve criminal conduct.

Cooperation

The small community must be cooperative with ADEQ. Cooperation includes, at a minimum, providing all requested documents and access to employees and assistance in investigating the violation, any noncompliance problems related to the disclosure, and any environmental consequences related to the violations.

SMALL COMMUNITY ENVIRONMENTAL PROTECTION PLAN (SCEPP) REQUIREMENTS

To qualify for a waiver or offset of civil penalties, a SCEPP must be acknowledged by ADEQ in writing and contain all of the following:

- A policy statement that asserts a commitment to comply with all environmental requirements
- The identification of those parties with environmental compliance responsibilities
- A commitment to adequately train those parties with environmental compliance responsibilities
- A list of all environmental compliance standards and limits
- Identification of all environmental non-compliance issues
- Prioritization of resolving all environmental non-compliance issues with a plan and associated schedule for gaining compliance
- Standard operational procedures of any equipment or facilities subject to environmental regulation including emergency preparedness

- Standard maintenance procedures any equipment or facilities subject to environmental regulation
- A commitment to a periodic, comprehensive review of environmental compliance and the SCEPP to be presented to the governing body and made available to the public

ICE:

1) Upon receipt of a SCEPP, *Penalty Waiver Request Received from RP* must be entered as an action in the Case screen.
2) If a Penalty Waiver is granted through acknowledging a SCEPP, *Penalty Waiver Granted* must be entered as an action in the Case Screen.

CHAPTER 13: ENFORCEMENT RELATED COMMITTEES

COMPLIANCE AND ENFORCEMENT COMMITTEE

ADEQ maintains a cross-media compliance and enforcement committee (CEC) made up of representatives from each program to share information, problems and ideas, to coordinate cross-media cases through the enforcement process, and to make recommendations to the Compliance and Enforcement Oversight Committee. The CEC consists of the managers of each enforcement and compliance section, or where a section has a compliance or enforcement unit, that unit manager. The committee will be chaired by the ADEQ Compliance and Enforcement Coordinator.

COMPLIANCE AND ENFORCEMENT OVERSIGHT COMMITTEE

The compliance and enforcement oversight committee establishes the compliance and enforcement policy of the Agency by reviewing and making decisions after reviewing the following:

- Recommendations made by the Compliance and Enforcement Committee
- ADEQ compliance and enforcement statistics
- ADEQ compliance and enforcement priorities
- ADEQ compliance and enforcement procedures
- ADEQ compliance and enforcement strategies
- EPA/County compliance and enforcement delegation issues
- ADEQ multi-media compliance and enforcement initiatives
- ADEQ compliance and enforcement process improvements
- Other compliance and enforcement issues common to the members of the committee.

Membership:

- ADEQ Special Counsel (Chair)
- ADEQ Compliance and Enforcement Coordinator (Staff)
- ADEQ Director
- ADEQ Deputy Director
- Water Quality Division Director
- Air Quality Division Director
- Waste Programs Division Director
- Northern Regional Office Manager
- Southern Regional Office Manager

Policy: The Compliance and Enforcement Committee Policy can be found as Appendix P13.

CHAPTER 14: SPECIAL ENFORCEMENT CONSIDERATIONS FOR THE UST CORRECTIVE ACTION SECTION

Although the concepts described in this handbook generally apply to the enforcement activities taken by the LUST Enforcement Unit within the UST Corrective Action Section, several concepts and procedures have had to be modified due to the unique principles governing ADEQ's oversight of the corrective actions required in response to releases from underground storage tanks (USTs). The very nature of UST corrective actions, along with the statutory implications of the State Assurance Fund (SAF) warrant the special enforcement considerations described in this Chapter.

UST CORRECTIVE ACTION ISSUES

Since it typically takes more than 120 days to conduct the corrective actions required in response to a UST release (the maximum time allowed for resolving a violation under an NOV), the UST Corrective Action Section will often enclose a copy of the *Consent Order Negotiation Guidelines* along with a draft Consent Order when issuing an NOV (rather than waiting until a deadline within the NOV is missed). This allows the responsible party to utilize the full amount of time allowed under the NOV to review the terms and conditions of the Consent Order. Entering into a Consent Order also allows the responsible party to preserve its rights to State Assurance Fund reimbursement as described below.

Guidance: The Consent Order Negotiation Guidelines can be found as Appendix G1.
Guidance: The Underground Storage Tank Corrective Action Section's Addendum to the Consent Order Negotiation Guidelines can be found as Appendix G3.

Although the UST Corrective Action Section does conduct site visits to observe field activities, to become familiar with site orientation, and to collect split samples, it generally does not perform site inspections for the purpose of determining compliance (compliance determinations are usually based on departmental file reviews). As a result, the UST Corrective Action Section is specifically exempted from the inspection procedures described in Chapter 3 (Inspection Procedures) and ADEQ's Inspection Procedures Policy (Appendix P8).[1]

STATE ASSURANCE FUND (SAF) ISSUES

State Assurance Fund (SAF) Reimbursement:

The SAF was established to reimburse individuals for a portion of the costs expended for conducting UST corrective actions. A UST owner or operator that has entered into a Consent Order with ADEQ maintains eligibility for SAF reimbursement. However, pursuant to A.R.S. § 49-1052(F)(3), a UST site that is the subject of an enforcement proceeding under A.R.S. § 49-

[1] *See* Appendix M1.

1013 (a final compliance order, a final violated consent order, or a civil complaint[2]) is not eligible for SAF coverage.

SAF Pre-approval:
Pursuant to A.R.S. § 49-1053(C), an owner or operator may not elect the SAF preapproval process if the corrective action costs included in an application for SAF coverage pertain to a site that is the subject of a Compliance Order or Consent Order.[3] However, provided that all SAF eligibility criteria are met, an owner or operator may elect the SAF preapproval process by submitting an application and work plan to ADEQ for a site that is the subject of an NOV.[4]

In most cases, ADEQ considers submittal of a SAF preapproval application as an acceptable response to an NOV issued for violations requiring UST corrective action.[4] As a result, if the owner or operator submits a complete SAF preapproval application and work plan, ADEQ will close the NOV upon ADEQ's approval of the SAF work plan. ADEQ will explicitly reserve the right to pursue escalated enforcement if the owner or operator fails to achieve compliance pursuant to the work plan developed under the SAF preapproval process. Once approved, ADEQ will monitor the owner or operator's compliance with the SAF work plan and associated schedule. If the work plan is not implemented as approved, ADEQ will initiate unilateral formal enforcement (i.e., a Compliance Order or Civil Referral) according to Chapter 9 (Enforcement Approval Procedures).

Boilerplate: The UST Corrective Action Compliance Documented Letter (reserving further action) can be found as Appendix B27.

Additional guidance regarding the effects of the SAF upon the Consent Order negotiation process, can be found in the Underground Storage Tank Corrective Action Section Addendum to *Consent Order Negotiation Guidelines* which can be found as Appendix G3.

Administrative Order Violations
ADEQ considers violation of a Consent Order or Compliance Order that is administered by the UST Corrective Action Section as Penalty Non-Compliance (PNC). Once discovered by ADEQ, the UST Corrective Action Section will prepare for approval by the Waste Programs Division Director, a Notice of Violation (NOV) to be sent to the owner or operator regarding the violation. The cover letter to the NOV will state that the NOV does not constitute a final administrative decision under A.R.S. § 49-1052(F)(3)(c). The UST Corrective Action Section will consider the owner or operator's response to the NOV when deciding whether to render an administrative

---

[2]Under A.R.S. § 49-1052(F)(3)(a), a court may determine that withholding payment from the SAF is an appropriate sanction.

[3]The SAF pre-approval rules (A.A.C. R18-12-607.01 *et. seq.*) do not apply to corrective action expenses incurred under a judicial or administrative order.

[4]This does not apply for to an NOV issued for violation of an administrative order (e.g., a Consent Order).

decision withholding payment from the SAF for those cost that are the direct subject of the violation of a Consent Order (when the owner or operator submits a request for payment). As is normally the case, will reserve the right to pursue civil enforcement, including penalties, regardless of the issuance of, or response to, the NOV. There is no requirement that the UST Corrective Action Section first send an NOV before issuing an appealable Administrative Decision Finding Violation of Consent Order and Withholding Payment from the State Assurance Fund.

Boilerplate: The boilerplate Notice of a Violation can be found as Appendix B18.
Boilerplate: The UST Corrective Action Section boilerplate Consent Order Notice of Violation cover letter language can be found as Appendix B28.
Boilerplate: The boilerplate Administrative Decision Finding Violation of Consent Order and Withholding Payment from the State Assurance Fund can be found as Appendix B29.

Pursuant to A.R.S. § 49-1052(F)(3)(c), ADEQ may withhold up to 25% of the eligible costs incurred for activities performed to cure violations that gave rise to a Compliance Order or violations of a Consent Order effective after November 1, 2000. In determining whether a reduction in SAF reimbursement is appropriate for a Compliance Order or violated Consent Order, the UST Corrective Action Section will use the adjustment factors outlined in the *General Settlement Penalty Offer Adjustment Factors* Section of Chapter 8 (Penalty Determinations), with the modifications described below. The following factors affect the owner or operator's potential reduction in SAF reimbursement for those activities that are performed to cure the violation and that gave rise to the Compliance Order or violated Consent Order:

Aggravating Factors:
Seriousness of provision violated: includes threat or actual harm to human health and/or the environment and/or impedance of ADEQ's ability to provide adequate regulatory oversight.
History of violations at the site: includes any previous reduction in SAF reimbursement at the site pursuant to A.R.S. § 49-1052(F)(3).
Recalcitrance: continuing failure to comply with the terms and conditions of the subject order.
Duration of Order violation: the violation of the Order has continued over a period of time, with the violator's knowledge and no or minimal attempts have been made to correct the violation.

Mitigating Factors:
Good faith efforts: timely corrective action or other evidence of good faith that results in progress towards compliance.
Other mitigating factors: ADEQ will consider other factors which require a reduction in SAF. reimbursement. For example, conflicting guidance from ADEQ or other regulatory agencies concerning the particular activity may be considered.

STATE LEAD CORRECTIVE ACTIONS

If a UST owner or operator fails to comply with a Compliance Order or Consent Order administered by the UST Corrective Action Section, ADEQ may take corrective action with respect to the UST release(s), and recover from the responsible party the costs incurred for conducting corrective action.[5]

[5] *See* A.R.S. § 49-1017.

CHAPTER 15: SPECIAL ENFORCEMENT CONSIDERATIONS FOR SPILLS and PARTICIPATION IN THE VOLUNTARY REMEDIATION PROGRAM

This chapter describes how ADEQ will address spills of pollutants to the environment, regardless of the source. ADEQ may become aware of a spill in a variety of ways, including reports from the responsible party,[1] complaints from the general public, or on its own during the course of a routine inspection or when responding to an emergency. Regardless of how ADEQ becomes aware of a spill, the process for requiring and overseeing cleanup remains the same. Not all spills warrant cleanup or oversight, though. Some spills merely require mitigation of potential harms, while others can be cleaned up without the involvement of ADEQ. The procedures described in this chapter apply to those spills needing remediation and ADEQ oversight.

Once a spill is identified, ADEQ's first priority will be for cleanup in an expeditious manner. Although ADEQ prefers that spills be cleaned up under the Voluntary Remediation Program (VRP), ADEQ can not force a responsible party to participate. If a responsible party chooses not to participate in the VRP, though, ADEQ will aggressively pursue clean up of the spill (and possibly pursue penalties for the spill) under its other authorities (listed in Appendix M7). If a party does choose to participate in the VRP and cleans up the spill to the satisfaction of ADEQ, ADEQ will forgo formal enforcement to require clean up and significantly reduce any civil penalty sought.

Because the ADEQ program that initially becomes aware of a spill is not always the program with the best authority to require clean up of the spill, internal ADEQ referrals are at times necessary and appropriate. The following steps must be taken to make such an internal referral. If the spill potentially constitutes criminal littering or other criminal activity, a criminal information transmittal form should be completed as well.[2] Furthermore, if the spill is causing an immediate and substantial risk to human health and/or the environment, these steps may be modified accordingly to refer the case to the Attorney General's Office for seeking a temporary restraining order or preliminary injunction.[3]

Appendix: A table describing the potential Arizona legal authorities/violations associated with a spill can be found as Appendix M7.

---

[1] Spill reporting requirements may be found in a permit issued to the responsible party, and/or in statute/rule (e.g., A.R.S. § 49-284).

[2] *See* Chapter 6 (Formal Enforcement Tools) and Chapter 9 (Enforcement Approval Procedures) for a description of when and how to make a criminal referral.

[3] *See* Chapter 6 (Formal Enforcement Tools) and Chapter 9 (Enforcement Approval Procedures) for a description of when and how to make a referral to the Attorney General's Office for seeking a temporary restraining order or preliminary injunction.

STEP 1: Complete the Incident/Spill Report Form
Immediately after ADEQ becomes aware of a spill that may constitute a violation of Arizona law,[4] an Incident/Spill Report Form should be completed. Although discretionary if an internal ADEQ referral will not be made, an Incident/Spill Report Form must be completed if the program wishes to refer the spill to another program within the agency.

Boilerplate: The boilerplate Incident/Spill Report Form can be found as Appendix B30.

STEP 2: Submit Incident/Spill Report Form to Compliance and Enforcement Coordinator
If the ADEQ program made aware of a spill that may constitute a violation does not issue an NOC or NOV, a completed Incident/Spill Report Form must be submitted to the ADEQ Compliance and Enforcement Coordinator with a recommended enforcement program for addressing the spill. The ADEQ Compliance and Enforcement Coordinator will assign a program for initiating enforcement, but only after consulting with the manager of the program to be assigned.

STEP 3: Conduct Inspection
If an inspection of the spill has not already been conducted by ADEQ pursuant to the procedures identified in Chapter 3 (Inspection Procedures), the assigned program must conduct an inspection as described in Chapter 3 as soon as possible before initiating enforcement.[5]

STEP 4: Issue Appropriate Compliance Assurance Document
If the program determines that the spill constitutes Significant Non-Compliance (SNC), it must prepare for approval by the appropriate Division Director or Regional Director, a Notice of Violation (NOV) citing the appropriate authority from Appendix M7. When issuing an NOV for a spill needing cleanup, ADEQ will invite the responsible party to participate in the VRP, including a description of the VRP and explicitly stating that full participation in the VRP will result in: (1) Closure of the NOV; and (2) A significant reduction in any penalties sought by ADEQ for the spill.[6] The invitation will be in the cover letter to the NOV, and not in the *Documenting Compliance* provisions of the NOV. The *Documenting Compliance* provisions should still state what the responsible party can do to demonstrate to ADEQ that the violation has been corrected (or that the violation did not occur).

---

[4]Not all spills constitute a violation (e.g., underground storage tank releases alone do not constitute a violation). Regardless of whether a spill constitutes a violation, though, an Incident/Spill Report Form must be completed if the spill is going to be referred to another program within the agency.

[5]If substantiation of the spill can not be achieved through an on-site inspection, then an on-site inspection is not necessary.

[6]*See* A.R.S. § 49-172(B) for a complete list of those activities that do not qualify for participation in the VRP. This list includes: corrective actions at hazardous waste permitted and interim status facilities, corrective actions for a releases from underground storage tanks (unless state assurance fund reimbursement rights are waived), corrective actions required by an administrative order or civil judgment or decree or sought in a civil complaint, and remedial actions at WQARF registry sites, except under certain conditions.

Boilerplate: The boilerplate NOV cover letter language for a spill needing cleanup can be found as Appendix B31.

Boilerplate: The boilerplate description of the VRP can be found as Appendix B32.

STEP 5: Determine Appropriate Follow-up Enforcement Activity

The appropriate follow-up enforcement activity to be taken by ADEQ will be based upon the procedures described in Chapter 7 (Enforcement Escalation Procedures) and whether the responsible party cleans up the spill under the VRP and thus to the satisfaction of ADEQ.

If the responsible party submits an application for participation in the VRP that is deemed complete by ADEQ and is accepted into the VRP:

ADEQ will close the NOV, reserving the right to seek a penalty.[7] The ADEQ program that conducted the inspection confirming the spill will continue to issue monthly action update letters citing "awaiting outcome of participation in the Voluntary Remediation Program" until a letter stating that no further enforcement action will be taken as a result of the spill is sent, or a civil complaint is filed.

Boilerplate: The boilerplate Action Update Letter can be found as Appendix B1.

Boilerplate: The boilerplate Compliance Documented Letter for participation in the VRP (reserving further action) can be found as Appendix B33.

ICE: After sending an Action Update Letter, the inspector must enter *Action Update Letter Sent to RP* as an action in either the Inspection Screen or the Case Screen (depending on whether a case has been opened). If a Compliance Documented Letter for participation in the VRP (reserving further action) has been sent, *Compliance Documented Letter Sent to RP* must be entered as an action in the Case Screen.

If the responsible party chooses not to submit a complete application for participation in the VRP or is not accepted into the VRP:

ADEQ will continue normal escalated enforcement as described in Chapter 7 (Enforcement Escalation Procedures), which will include an evaluation whether the violation constitutes Penalty Non-Compliance (PNC) and thus whether ADEQ will seek civil penalties. The calculation of a civil penalty will not be affected by the responsible party's choice not to participate in the VRP.

If an approved application for the VRP is terminated by ADEQ or withdrawn by the responsible party:

ADEQ will pursue formal enforcement, including civil penalties, as described in Chapter 7 (Enforcement Escalation Procedures). The settlement penalty calculations performed pursuant to Chapter 8 (Penalty Determinations) will be for the entire period of time from the spill to

[7] Pursuant to A.R.S. § 49-184(B), ADEQ may seek penalties regardless of participation in the VRP.

completion of cleanup activities, including the period of time during which the responsible party participated in the VRP and as allowed by law.

If ADEQ issues a no further action determination or conditional no further action determination under the VRP and the spill constitutes Penalty Non-Compliance (PNC):
Any penalties sought by ADEQ in settlement or in a civil complaint will be limited to the number of days from the original spill up to the date the responsible party submitted a complete VRP application (which will most likely be prior to the actual cessation of the violation(s) and thus result in fewer days of violation(s)). ADEQ will further reduce the amount of civil penalties sought in settlement by a meaningful amount, depending on the nature of the spill and the cleanup. The appropriate amount of the reduction will be determined based upon the General Initial Settlement Penalty Offer Adjustment Factors described in Chapter 8 (Penalty Determinations).

The ADEQ program that conducted the inspection confirming the spill will continue to issue monthly action update letters citing "determining appropriate ADEQ response to identified violations" until a letter stating that no further enforcement action will be taken as a result of the spill is sent, or a civil complaint is filed.

If ADEQ issues a no further action determination or a conditional no further action determination under the VRP and the spill <u>does not</u> constitute PNC:
ADEQ will issue a letter stating that no further enforcement action will be taken as a result of the spill. ADEQ will also cease issuing agency action update letters.

ICE: If a letter stating that no further enforcement action will be taken as a result of the spill has been sent, *Case Closed* must be entered as an action in the Case Screen.

CHAPTER 16: PERMIT INSPECTION CHECKLIST DEVELOPMENT PROCESS

As part of the inspection process described in Chapter 3 (Inspection Procedures), an ADEQ inspector must review and/or develop a checklist prior to conducting an inspection. This chapter describes the process that ADEQ will use to develop a permit inspection checklist as part of the permit issuance process.[1] This chapter applies only to the issuance of new permits and substantive modifications to existing permits (i.e., those permits issued or modified after the adoption of this chapter). For existing permits, the inspector must still develop a checklist based upon the permit before conducting an inspection of the facility.

STEP 1: Draft Permit Provided to Inspector

After a permit has been drafted, but before it is submitted for public notice and comment, the appropriate permitting program manager must provide a copy of the draft permit to the manager of the appropriate compliance/enforcement program for development of a draft permit inspection checklist. A cover memo forwarding the draft permit must indicate a recommended time for review for both the development of the checklist (Step 2) and the approval of the checklist (Step 5) as necessary to assure the applicable licensing time frames are met. The memo must be date-stamped upon receipt by the compliance/enforcement program to ensure that the development of the checklist is performed in a timely manner.

STEP 2: Inspector to Develop Draft Checklist

Once the draft permit is received by the appropriate compliance/enforcement program, a draft inspection checklist must be developed within the time frame proposed by the permitting program. If the proposed time frame can not be met, the respective managers should first attempt to work out a mutually acceptable time frame. If a mutually acceptable time frame can not be agreed upon, the issue should be elevated to the appropriate section manager(s) as soon as possible and ultimately to the appropriate division director if necessary (provided the section manager does not oversee both permitting and compliance/enforcement programs). The appropriate section manager or division director may ultimately decide that the checklist should be developed after issuance of the permit in order to meet licensing time frames or other more important obligations.

The checklist will be developed by an inspector within the appropriate compliance/enforcement program and in accordance with the following:

For items already listed in the draft permit:

The draft checklist will include at a minimum all items that are required by the permit and thus

[1] Because most permit conditions are standardized, standard permit condition inspection checklists will be developed using standardized permit conditions and made available for the development of facility specific inspection checklists. The development and approval of these standard permit condition inspection checklists should generally follow the process described in this chapter.

would constitute a violation if discovered during the course of an inspection.[2] The checklist must include every permit requirement that can be evaluated either in preparation for, or during the course of, an on-site inspection, but need not contain self-reporting requirements that will be tracked by a computerized system developed by ADEQ (e.g., the Water Compliance and Enforcement Tracking database). Each item on the checklist denoted as a permit requirement must include a citation to the appropriate section of the permit and the legal authority for the permit condition listed in the permit.

For items not already listed in the draft permit that the inspector would like to include in the checklist:
The inspector may either: 1) include the item as recommendation in the draft checklist; or 2) propose adding the item as a permit requirement. If the inspector chooses to include the item as a recommendation, it must be noted as such in the checklist. There will be no permit section or citation of authority associated with recommendations. Proposed additions to the permit, though, must include a citation of authority for including the item as a requirement in the permit. Requirements proposed by the inspector will be identified by the lack of a permit section. Every requirement on the draft checklist must specify whether a violation of the requirement is major or minor. When determining whether the violation of the requirement is major or minor, the inspector should review the existing major/minor lists that are appendices to this handbook.[3] Any items included in the checklist that do not cite a requirement of the permit or the authority for the requirement must be specifically denoted as a recommendation.

STEP 3: Draft Checklist Provided to Permit Writer
Once developed, the draft checklist must be submitted by the appropriate compliance/enforcement manager to the appropriate permitting program manager for review and approval. The draft inspection checklist must be date-stamped upon receipt by the permitting program to ensure that approval of the checklist is performed within the agreed upon time.

STEP 4: Permit Writer to Meet with Inspector (If Necessary)
If the permitting program disagrees with, or has any questions regarding the checklist or any proposed additions to the permit, a meeting between the permit writer, the inspector, and both appropriate program managers should be held to resolve the differences. If the disagreements can not be resolved during such a meeting, the issue(s) should be elevated to the appropriate section manager(s) as soon as possible and ultimately to the appropriate division director if

[2]Other items may be included in the checklist as recommendations so long as the checklist clearly denotes the difference between the permit requirements an d recommendations.

[3]If there has not been a previous determination as to whether violation of the condition is a major violation, staff must provide the appropriate compliance/enforcement program manager with a recommendation as to whether violation of the condition poses a reasonable probability of material harm to any person, the public health, safety, welfare or the environment or the inability to perform such an assessment as a result of the violation. The appropriate program manager, after consultation with the ADEQ Compliance and Enforcement Coordinator, will make the final determination of the risk associated with violation of the condition. Once the final determination has been made, an appropriate notation must be made on the inspection checklist.

necessary (provided the section manager does not oversee both permitting and compliance/enforcement programs). In addition, the ADEQ Compliance & Enforcement Coordinator may be contacted at any point during the process to assist in resolving disputes.

STEP 5: Approval of Checklist

After any disagreements with the draft checklist have been resolved, the checklist will become final and be placed in the facility's compliance file. The checklist will not be part of the permit, but may be provided by the compliance/enforcement program to the facility as a courtesy. Any discrepancies between the checklist and the permit will be resolved in favor of the permit.

APPENDIX B1

[ADEQ Letterhead]

[Date] Inspection ID #: [Inspection ID #]

[Facility Owner/Facility Operator]
Attention: [Attention First Name] [Attention Last Name]
[Address]
[City, State, Zip]

Subject: Update of Action Resulting from On-Site Inspection
[Facility Name], [Facility Identification Number]
[Address or other location information]

Dear [Prefix] [Attention Last Name]:

This letter constitutes the monthly update on the status of Arizona Department of Environmental Quality (ADEQ) action resulting form ADEQ's inspection of the above-referenced site on [Inspection Date], as required by A.R.S. § 41-1009(H). In providing this update, ADEQ has reviewed only those actions resulting from this inspection, and has not considered other information that may be in ADEQ's files for this site or any action unrelated to this inspection.

The current status of ADEQ action resulting from the above-referenced inspection is as follows (the applicable items are checked):

_____ 1. Transmitting samples to laboratory; awaiting results
_____ 2. Analyzing sample data; reviewing sample analysis
_____ 3. Preparing inspection report
_____ 4. Reviewing and analyzing inspection report
_____ 5. Determining appropriate ADEQ response to identified violations
_____ 6. Awaiting response from your facility
_____ 7. Reviewing response from your facility
_____ 8. Awaiting outcome of participation in the Voluntary Remediation Program
_____ 9. Other

If you have any questions regarding this update, please contact the undersigned at the phone number provided.

Sincerely,

_____
[ADEQ Unit Manager], Manager
[Unit]
[ADEQ Unit Manager Phone Number]

APPENDIX B2

BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of: [Name of Facility] located at [Street Address of Facility] [City where Facility Located], [County where Facility Located], Arizona [ADEQ Identification Number for Facility]	)	**COMPLIANCE ORDER WITH CIVIL ADMINISTRATIVE PENALTY** **Docket No._____**

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name of Facility] located at [Street Address of Facility], [City where Facility Located], [County where Facility Located], Arizona.

RECITALS

The Director of the Arizona Department of Environmental Quality ("ADEQ") has determined that [Name of Responsible Party] is in violation of the Arizona Revised Statutes ("A.R.S.") or the rules adopted pursuant to the A.R.S. As a result, the Director is issuing this Order requiring compliance within a reasonable time and imposing a civil administrative penalty, as described below.

I. AUTHORITY

The Director is authorized to issue this Order pursuant to A.R.S. § 49-354.

II. NATURE OF VIOLATION(S)

The Director has reason to believe that [Name of Responsible Party] has violated the following provisions set forth in the A.R.S., or the Arizona Administrative Code (A.A.C.):

A. [A.R.S. Citation] [Brief Legal Description of Violation]
[A.A.C. Citation]

[Factual Description of Violation(s)]

III. TIME FOR COMPLIANCE

IT IS ORDERED that [Name of Responsible Party] achieve compliance by taking the specific actions set forth below:

A. Within [Number] calendar days of the effective date of this Order [Detailed description of how the facility must achieve and document compliance (mirroring the Documenting Compliance provisions of the relevant Notice of Violation). Appropriate documentation includes: invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance.]

IV. CIVIL ADMINISTRATIVE PENALTY

After performing the appropriate calculations pursuant to A.R.S. § 49-354(C), and upon consideration of all the factors outlined in A.R.S. § 49-354(D), ADEQ is hereby imposing a civil administrative penalty in the amount of $[Administrative Penalty Amount]. Payment shall be made within 30 calendar days of the effective date of this Order by cashier's check made payable to "Arizona Department of Environmental Quality" and shall be hand-delivered or mailed post marked prior to the due date, postage prepaid to:

Mr. Michael D. Clark, Chief Financial Officer
Arizona Department of Environmental Quality
Attention: Accounts Receivable
1110 West Washington Street
Phoenix, Arizona 85007-2935

Payment shall be made with a letter tendering the check. The letter shall identify this case by the docket number. A copy of the letter and the check shall also be sent to ADEQ's Water Quality Division as described in Section VII (Correspondence).

V. RIGHT TO HEARING

[Name of Responsible Party] has a right to a hearing before an administrative law judge to contest this Order. [Name of Responsible Party] may request a hearing, provided such request is made within thirty (30) calendar days of receipt of this Order. A request for hearing must be in writing and must specifically identify those portions of this Order which are contested. To request a hearing, submit a letter that specifically identifies those portions of the Order being contested to the following address:

Arizona Department of Environmental Quality
Office of Special Counsel
Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

VI. ENFORCEMENT OF ORDER

This Order becomes final and enforceable in superior court within thirty (30) calendar days of receipt, unless a hearing is properly requested as set forth above. As a result, the effective date of this Order is thirty (30) calendar days from the date of receipt, or if this Order is appealed as set forth above, the date that [Name of Responsible Party] receives the Director's final decision on the appeal.

VII. CORRESPONDENCE

All invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance or required by this Order must be mailed or hand delivered to the following address:

Arizona Department of Environmental Quality
Water Quality Division
Attention: [ADEQ Contact and Title]
1110 West Washington Street
Phoenix, Arizona 85007-2935
Telephone: [Telephone Number of ADEQ Contact]

Any such correspondence shall be deemed submitted when received by the ADEQ at the above address.

VIII. RESERVATION OF RIGHTS

By issuing this Order the Arizona Department of Environmental Quality does not waive its right to seek appropriate penalties or injunctive relief in superior court for violations of the Arizona Revised Statutes, or any rule, permit or order promulgated or issued thereunder, or any other applicable environmental statute or legal authority.

ISSUED this ___ day of _____ , 200_.

_____
[Name of Division Director], Director
Water Quality Division
Arizona Department of Environmental Quality

ORIGINAL of the foregoing Compliance Order was sent certified mail, return receipt requested, this ___ day of _____, 200_, to:

[Name of Responsible Party]
[Address of Responsible Party]

COPY of the foregoing Compliance Order was filed this ___ day of _____ , 200_, with:

Arizona Department of Environmental Quality
Office of Special Counsel
Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

COPIES of the foregoing Compliance Order were sent by regular/interdepartmental mail, this ____ day of _____, 200_, to the following:

[Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

[Program Manager(s), ADEQ]

[County Health Department]

[Environmental Protection Agency]

APPENDIX B3

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Case Development Memorandum

CONFIDENTIAL - DO NOT PLACE IN THE PUBLIC FILE

Date: [Date]

To: [Department Director], Director
Arizona Department of Environmental Quality

Through: [Deputy Director], Deputy Director
Arizona Department of Environmental Quality

Through: [Enforcement Coordinator], Enforcement Coordinator
Arizona Department of Environmental Quality

Through: [Division Director], Director
[Air Quality/Waste Programs/Water Quality] Division

Through: [Section Manager], Manager
[Appropriate Section] Section

From: [Unit Manager], Manager
[Appropriate Unit] Unit

Subject: Case Development Memorandum for Filing a Civil Complaint Against [Name of Responsible Party] for Violations at [Name of Facility]

The [Appropriate Unit] requests the Arizona Attorney General's Office file a civil complaint seeking the statutory maximum civil penalty and appropriate injunctive relief against [Name of Responsible Party] for violations of Arizona's [Drinking Water/Water Quality/UST/LUST/Solid Waste/Hazardous Waste/VEI/Air Quality/etc.] requirements at the [Name of Facility]. [Optional: If an Assistant Attorney General has already been assigned to the case, include a statement to that effect.]

I. CASE HISTORY

[Provide a detailed description of the relevant history of the case, including any activities that have taken place since the issuance of the Notice of Violation, administrative order, or previous Case Development Memorandum.]

II. RECOMMENDED DEFENDANT(S)

[For each defendant, provide the following information based upon the type of defendant. Under most circumstances, this information can be obtained by contacting the Western States Project.

Corporation or Limited Liability Company (LLC)
Name of corporation and any parent corporation
Address (include the address of the home office, if known)
State of incorporation
Name and address of statutory agent
List known officers and their addresses

Partnership
Name of partnership
Address
Names, addresses and phone numbers of general and/or limited partners

Government Agency
Name of Agency
Address
Name, address and phone number of agency head

Individual
Name
Address
Phone number
Employment status
Martial status (if married, include name of spouse)

For each defendant state the reason(s) why ADEQ thinks the defendant is subject to the rules or statutes believed to have been violated. Also, provide any knowledge ADEQ has of the defendant's financial status, including any bankruptcy filings. If providing such financial information, state the source of the information specifically

Where a corporation or partnership is the primary defendant and individual officers or employees of the business entity are requested to be named individually as defendants, state the reason ADEQ thinks such persons should be included as defendants.]

III. VIOLATIONS AND EVIDENCE

[For each violation provide the following information:

A. Legal Citation: Brief Legal Description of Violation

1. Facts
[State, in detail, the factual basis for making a claim that the violation was committed by the defendant(s).]

2. Witnesses
[State the names, addresses, and telephone numbers of any person that has actually witnessed the violation, along with a detailed description of the substance of each witness's observations of the violation.]
3. Persons with Knowledge
[State the names, addresses of all persons believed to have knowledge or information relevant to the events, transactions, or occurrences that gave rise to the violation.]
4. Documents
[List and attach all documents that are possessed by ADEQ which may be relevant to the violation or which could lead to the discovery of further information relevant to the violation. List all documents that are not possessed by ADEQ, which may be relevant to the violation or which could lead to the discovery of further information relevant to the violation.]

IV. INJUNCTIVE RELIEF

[State the specific corrective action(s) to be sought and the time frame for each action. The corrective actions and associated deadlines should be presented in typical compliance order format. If the specific corrective actions that will be sought are unknown, describe in general terms.]

V. PENALTY HISTORY

[Provide the history of penalties assessed against the facility/company for violation of environmental laws, and the history of penalties for the types of violations at issue in the case. Include at a minimum:

1) Past Penalties assessed against the company for violation of environmental laws in Arizona (any and all environmental media);

2) Past Penalties assessed against the facility for violation of environmental laws (any and all media);

3) Past Penalties assessed in Arizona for the types of violations/facts at issue in the current case; and

4) Past Penalties assessed against the company in other states for violation of environmental laws.]

VI. ADDITIONAL CONSIDERATIONS

[Provide any additional information that may impact the case. For example, include the necessity for quick action, the need for consultation with the EPA or other agencies, any real or potential political controversy, any evidence problems, any potential defenses, any applicable ADEQ policies, etc.]

VII. PRIORITY

Urgent	[12 & Above]
High	[9 - 11]
Medium	[6 - 8]
Low	[5 & Below]

[Low priority referrals should not be made, absent extraordinary circumstances justified in writing to the Office of Special Counsel.]

Type of Referral	Points
Civil action - enforcement	4

Time Sensitivity of Referral: [Maximum of 3 Categories with a score greater than 0]

Immediate threat or actual harm to public health/environment	[0-5]
Precedential importance/threat to integrity of program	[0-5]
Recalcitrance/history of noncompliance	[0-3]
Political urgency	[0-3]
No factors apply	[0-1]

Production Time: [“4" represents the quickest turnaround time] [1-4]

VIII. ADEQ CONTACT

ADEQ’s contact person for this case is [Contact Name] who may be reached at 771-[Extension].

APPENDIX B4

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Case Development Memorandum

CONFIDENTIAL - DO NOT PLACE IN THE PUBLIC FILE

Date: [Date]

To: [Department Director], Director
Arizona Department of Environmental Quality

Through: [Deputy Director], Deputy Director
Arizona Department of Environmental Quality

Through: [Enforcement Coordinator], Enforcement Coordinator
Arizona Department of Environmental Quality

Through: [Division Director], Director
[Air Quality/Waste Programs/Water Quality] Division

Through: [Section Manager], Manager
[Appropriate Section] Section

From: [Unit Manager], Manager
[Appropriate Unit] Unit

Subject: Request for Assignment of an Assistant Attorney General for Negotiating a Civil Settlement with [Name of Responsible Party] for violations at [Name of Facility]

The [Appropriate Section] requests that an Assistant Arizona Attorney General represent ADEQ in negotiating a civil settlement with [Name of Responsible Party] for violations of Arizona's [Drinking Water/Water Quality/UST/LUST/Solid Waste/Hazardous Waste/VEI/Air Quality/etc.] requirements at the [Name of Facility].

I. CASE HISTORY

[Provide a brief description of all relevant facts, including any activities that have taken place since the issuance of the Notice of Violation or administrative order. Unless the case is extremely complicated, one or two paragraphs should suffice.]

II. RELEVANT FACTS AND ALLEGED VIOLATIONS

A copy of the Notice of Violation (NOV) which describes the violations that are the basis for

this case has been attached. [Optional: Although not included in the Notice of Violation, ADEQ believes the following violations may have also occurred:

1. **[A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section/Order #/Order Section/Judgment #/Judgment Section] [Brief Legal Description of Violation]**

   [Factual Description of Violation(s)]

III. INJUNCTIVE RELIEF

[State the specific corrective action(s) that will be sought and the time frame for each action. The corrective actions and associated deadlines should be presented in typical compliance order or consent agreement format. If the specific corrective actions that will be sought are unknown, describe in general terms.]

IV. CIVIL PENALTY

[State the initial penalty offer for settlement. Include a description of the method used to calculate the penalties along with references to any applicable ADEQ or EPA penalty policies. The bottom line settlement should be established after consultation with the Attorney General's Office]

V. PENALTY HISTORY

[Provide the history of penalties assessed against the facility/company for violation of environmental laws, and the history of penalties for the types of violations at issue in the case. Include at a minimum:

1) Past Penalties assessed against the company for violation of environmental laws in Arizona (any and all environmental media);

2) Past Penalties assessed against the facility for violation of environmental laws (any and all media);

3) Past Penalties assessed in Arizona for the types of violations/facts at issue in the current case; and

4) Past Penalties assessed against the company in other states for violation of environmental laws.]

VI. ADDITIONAL CONSIDERATIONS

[Provide any additional information that may impact the case. For example, include the necessity for quick action, the need for consultation with the EPA or other agencies, any real or potential political controversy, any evidence problems, any potential defenses, any applicable ADEQ

policies, etc.]

VII. PRIORITY

Urgent	[12 & Above]
High	[9 - 11]
Medium	[6 - 8]
Low	[5 & Below]

[Low priority referrals should not be made, absent extraordinary circumstances justified in writing to the Office of Special Counsel.]

Type of Referral	Points
Civil action - enforcement	4

Time Sensitivity of Referral: [Maximum of 3 Categories with a score greater than 0]

Immediate threat or actual harm to public health/environment	[0-5]
Precedential importance/threat to integrity of program	[0-5]
Recalcitrance/history of noncompliance	[0-3]
Political urgency	[0-3]
No factors apply	[0-1]

Production Time: [“4" represents the quickest turnaround time] [1-4]

VIII. ADEQ CONTACT

ADEQ’s contact person for this case is [Contact Name] who may be reached at 771-[Extension].

IX. ATTACHMENTS

[Identify in a list all attached documents that are relevant to the case. At a minimum, this must include the applicable Notice of Violation and any written correspondence resulting from the NOV.]

APPENDIX B5

[ADEQ Letterhead]

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]
Attention: [Attention]
[Address]
[City, State, Zip]

Subject: [Facility Name], [Facility Identification Number]
[Address or other location information]

CAUTION LETTER

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that [Facility owner/Facility operator] as the owner/operator of [Facility name] has violated Aquifer Protection Permit # [APP Permit #]. The alleged violations listed in the attached table were identified on a Self-Monitoring Report Form (SMRF) received by ADEQ on [SMRF received date].

ADEQ is sending this letter because the number and/or magnitude of the alleged permit violations exceed caution levels. Because the alleged violations are not considered major, ADEQ does not intend to take enforcement at this time, but does reserve the right to do so in the future. The same caution level exceedance reported in any of the next three SMRFs will constitute a major violation and will result in the issuance of a Notice of Violation by ADEQ. Please find enclosed for your review the permit violations for which ADEQ will issue a Caution Letter (i.e., caution levels) and those for which ADEQ will issue an NOV (i.e., major violations).

If you believe this letter has been sent in error, or if you would like information about the compliance assistance programs offered by ADEQ, please contact [ADEQ Contact Name] at [ADEQ Contact Phone Number].

_____
[ADEQ Unit Manager], Manager
[Unit]

Attachments

CAUTION LEVELS / MAJOR VIOLATIONS - WATER QUALITY PERMITS

Monitoring Frequency	TRC Violations[1]		Discharge Limit Violations[2]		Review Period
	Caution Level	Major Violation	Caution Level	Major Violation	
Daily	4-8	9 or more	9-17	18 or more	Quarterly
5 per week	3-5	6 or more	6-11	12 or more	Quarterly
2 per week	2-4	5 or more	5-9	10 or more	Quarterly
5 per month	2-3	4 or more	4-7	8 or more	Quarterly
1 per week	1-2	3 or more	3-5	6 or more	Quarterly
2 per month	1	2 or more	2-3	4 or more	Quarterly
1 per month	1	2 or more	2-3	4 or more	2 Quarters
Quarterly	N/A	1 or more	1 or more	N/A	Quarterly
Biannually	N/A	1 or more	1 or more	N/A	Biannual
Annually	N/A	1 or more	1 or more	N/A	Annual

ADDITIONAL MAJOR WATER PERMIT VIOLATIONS:

- Two or more Caution Level exceedences within two, three, or four applicable consecutive review periods.
- Submittal of an ADEQ-approved or supplied Self-Monitoring Report Form (SMRF) 30 or more days after the due date (including a failure to report)

---

[1]A Technical Review Criteria (TRC) violation is:

1) A deviation from a Category 1 TRC discharge limit by more than 1.4 times the discharge limit;
2) A deviation from a Category 2 TRC discharge limit by more than 1.2 times the discharge limit;
3) A deviation from a pH discharge limit; or
4) A Failure to report a single discharge limit parameter or inspection requirement on an ADEQ approved or supplied Self-Monitoring Report Form.

[2] A Discharge Limit Violation is:

1) A deviation from a restriction, prohibition, limitation, or criteria established by statute, rule, water quality permit, administrative order, or Consent Judgment on quantities, rates, concentrations, combinations, toxicity, and characteristics of pollutants at a given monitoring point established in a water quality permit
2) A failure to report a restriction, prohibition, limitation, or criteria established by statute, rule, water quality permit, administrative order, or Consent Judgment on quantities, rates, concentrations, combinations, toxicity, and characteristics of pollutants at a given monitoring point in a water quality permit

TECHNICAL REVIEW CRITERIA (TRC) DISCHARGE LIMITS

Category 1 - Conventional Pollutants
(40% exceedance of discharge limit)

Oxygen Demand
Biochemical Oxygen Demand
Chemical Oxygen Demand
Total Oxygen Demand
Total Organic Carbon

Solids
Total Suspended Solids (Residues)
Total Dissolved Solids (Residues)
Turbidity
Other

Nutrients
Inorganic Phosphorus Compounds
Inorganic Nitrogen Compounds
Other

Detergents and Oils
MBAs
NTA
Oil and Grease
Other Detergents or Algicides

Minerals
Calcium
Chloride
Fluoride
Magnesium
Sodium
Potassium
Sulfur
Sulfate
Total Alkalinity
Total Hardness
Other Minerals

Metals
Aluminum
Cobalt
Iron
Vanadium

Temperature

Category 2 - Toxic Pollutants
(20% exceedance of discharge limit)

Metals (all forms)
Other metals not specifically listed under Category 1

Inorganic
Cyanide
Total Residual Chlorine

Organics
All Organics are Category 2 except those specifically listed in Category 1

Other
Flow
Radio nuclides
Fecal Coliform
Viruses

APPENDIX B6

BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of: [Name of Facility] located at [Street Address of Facility] [City where Facility Located], [County where Facility Located], Arizona [ADEQ Identification Number for Facility]	)	**ORDER ASSESSING A CIVIL PENALTY** **Docket No._____**

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name of Facility] located at [Street Address of Facility], [City where Facility Located], [County where Facility Located], Arizona.

RECITALS

The Director of the Arizona Department of Environmental Quality ("ADEQ") has determined that [Name of Responsible Party] has failed to take corrective action within the time specified in a Compliance Order (Docket No. [Compliance Order Docket Number]) issued pursuant to A.R.S. § 49-923(A) on [Compliance Order Issue Date]. As a result, the Director is issuing this Order assessing a civil penalty as described below.

I. AUTHORITY

The Director is authorized to issue this Order pursuant to A.R.S. § 49-923(B).

II. NATURE OF VIOLATIONS

The Director has reason to believe that [Name of Responsible Party] has violated the following provisions set forth in the Compliance Order issued on [Compliance Order Issue Date] (Docket No. [Compliance Order Docket Number]).

A. [Order #/Order Section]
[Brief Legal Description of Violation]

[Factual Description of Violation(s)]

III. CIVIL PENALTY

ADEQ is hereby imposing a civil penalty in the amount of $[Administrative Penalty Amount]. Payment shall be made within 30 calendar days of the effective date of this Order by cashier's check made payable to "Arizona Department of Environmental Quality" and shall be hand-delivered or mailed post marked prior to the due date, postage prepaid to:

Mr. Michael D. Clark, Chief Financial Officer
Arizona Department of Environmental Quality
Attention: Accounts Receivable
1110 West Washington Street
Phoenix, Arizona 85007-2395

Payment shall be made with a letter tendering the check. The letter shall identify this case by the docket number. A copy of the letter and the check shall also be sent to ADEQ's Waste Programs Division as described in Section VI (Correspondence).

IV. RIGHT TO HEARING

[Name of Responsible Party] has a right to a hearing before an administrative law judge to contest this Order. [Name of Responsible Party] may request a hearing, provided such request is made within thirty (30) calendar days of receipt of this Order. A request for hearing must be in writing and must specifically identify those portions of this Order which are contested. To request a hearing, submit a letter that specifically identifies those portions of the Order being contested to the following address:

Arizona Department of Environmental Quality
Office of Special Counsel
Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

V. ENFORCEMENT OF ORDER

This Order becomes final and enforceable in superior court within thirty (30) calendar days of receipt, unless a hearing is properly requested as set forth above. As a result, the effective date of this Order is thirty (30) calendar days from the date of receipt, or if this Order is appealed as set forth above, the date that [Name of Responsible Party] receives the Director's final decision on the appeal.

VI. CORRESPONDENCE

All correspondence associated with this Order must be mailed or hand delivered to the following

address:

Arizona Department of Environmental Quality
Waste Programs Division
Attention: [ADEQ Contact and Title]
1110 West Washington Street
Phoenix, Arizona 85007-2935
Telephone: [Telephone Number of ADEQ Contact]

Any such correspondence shall be deemed submitted when received by the ADEQ at the above address.

VII. RESERVATION OF RIGHTS

By issuing this Order the Arizona Department of Environmental Quality does not waive its right to seek appropriate penalties or injunctive relief in superior court for violations of the Arizona Revised Statutes, or any rule, permit or order promulgated or issued thereunder, or any other applicable environmental statute or legal authority.

ISSUED this ___ day of _____ , 200_.

_____
[Name of Division Director], Director
Waste Programs Division
Arizona Department of Environmental Quality

ORIGINAL of the foregoing Compliance Order was sent certified mail, return receipt requested, this ___ day of _____, 200_, to:

[Name of Responsible Party]
[Address of Responsible Party]

COPY of the foregoing Compliance Order was filed this ___ day of _____ , 200_, with:

Arizona Department of Environmental Quality
Office of Special Counsel
Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

COPIES of the foregoing Compliance Order were sent by regular/interdepartmental mail, this ____ day of _____, 200_, to the following:

[Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

[Program Manager(s), ADEQ]

[County Health Department]

[Environmental Protection Agency]

APPENDIX B7

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

COMPLAINT RECEIPT FORM

Date:	Taken By:
Complaint#:	
Priority Code:	
Assigned to:	Date:

Site/Operator/Source Name:	Address:
Phone:	Type of Operation:
Major Cross Streets:	County:

Description of Complaint:	
Date of Occurrence:	Substance Involved:
Quantity of Substance:	Medium Affected: SOIL WATER AIR
Best Time to Witness:	Verifying Documentation:

"**Arizona law requires you to provide your name during the course of reporting an alleged violation of law or rule. Under the law, your name will be placed in the public file unless the release of your name may result in substantial harm to any person, including yourself, or to the public health or safety. However, if you insist on remaining anonymous, ADEQ can not force you to identify yourself**." A.R.S. § 41-1010

Complainant Name:
Phone:
E-Mail:
Address:
"Have you been referred to ADEQ?" YES NO By Whom:
Follow-up Requested: YES NO

Referring Agency:
Agent's Name:
Phone:

"Do you feel that release of your name may result in substantial harm to any person, including yourself, or to the public health or safety?" YES NO
If YES, describe:

Case Referred: YES NO	If YES, to whom:	Date Referred:
Date Inspected:	Status: REPORT	CLOSED
Inspector's Comments:		

APPENDIX B8

BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of: [Name of Facility] located at [Street Address of Facility] [City where Facility Located], [County where Facility Located], Arizona [ADEQ Identification Number for Facility]	)	**COMPLIANCE ORDER [OR ABATEMENT ORDER]** **Docket No._____**

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name of Facility] located at [Street Address of Facility], [City where Facility Located], [County where Facility Located], Arizona.

RECITALS

The Director of the Arizona Department of Environmental Quality ("ADEQ") has determined that [Name of Responsible Party] is in violation of the Arizona Revised Statutes ("A.R.S."), the rules adopted pursuant to the A.R.S., or a permit issued pursuant to the A.R.S. As a result, the Director is issuing this Order requiring compliance within a reasonable time as specified below.

I. AUTHORITY

The Director is authorized to issue this Order pursuant to A.R.S. § [49-261, 49-334, 49-354, 49-461, 49-781, 49-812, 49-862, 49-923, 49-964, or 49-1013].

II. NATURE OF VIOLATIONS

The Director has reason to believe that [Name of Responsible Party] has violated the following provisions set forth in the A.R.S., the Arizona Administrative Code (A.A.C.), or an ADEQ issued permit:

A. **[A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section/Order #/Order Section/Judgment #/Judgment Section]**
[Brief Legal Description of Violation]

[Factual Description of Violation(s)]

III. TIME FOR COMPLIANCE

IT IS ORDERED that [Name of Responsible Party] achieve compliance by taking the specific actions set forth below:

A. Within [Number] of calender days of the effective date of this Order [Detailed description of how the facility must achieve and document compliance (mirroring the Documenting Compliance provisions of the relevant Notice of Violation). Appropriate documentation includes: invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance.]

IV. RIGHT TO HEARING

[Name of Responsible Party] has a right to a hearing before an administrative law judge to contest this Order. [Name of Responsible Party] may request a hearing, provided such request is made within thirty (30) calendar days of receipt of this Order. A request for hearing must be in writing and must specifically identify those portions of this Order which are contested. To request a hearing, submit a letter that specifically identifies those portions of the Order being contested to the following address:

Arizona Department of Environmental Quality
Office of Special Counsel
Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

V. ENFORCEMENT OF ORDER

This Order becomes final and enforceable in superior court within thirty (30) calendar days of receipt, unless a hearing is properly requested as set forth above. As a result, the effective date of this Order is thirty (30) calendar days from the date of receipt, or if this Order is appealed as set forth above, the date that [Name of Responsible Party] receives the Director's final decision on the appeal.

VI. VIOLATION OF ORDER

Failure to comply with this Order once effective may subject [Name of Responsible Party] to further administrative or judicial sanctions including, but not limited to, significant civil penalties under A.R.S. § [49-262, 49-463, 49-783, 49-861, 49-924, or 49-1013].

VII. CORRESPONDENCE

All invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance or required by this Order must be mailed or hand delivered to the following address:

Arizona Department of Environmental Quality
[ADEQ Division]
Attention: [ADEQ Contact and Title]
1110 West Washington Street
Phoenix, Arizona 85007-2935
Telephone: [Telephone Number of ADEQ Contact]

Any such correspondence shall be deemed submitted when received by the ADEQ at the above address.

VIII. RESERVATION OF RIGHTS

By issuing this Order the Arizona Department of Environmental Quality does not waive its right to seek appropriate penalties or injunctive relief in superior court for violations of the Arizona Revised Statutes, any rule, permit, or order promulgated or issued thereunder, or any other applicable environmental statute or legal authority.

ISSUED this ___ day of _____ , 200_.

_____
[Name of Division Director/Regional Office Manager], [Director/Manager]
[Air Quality/Water Quality/Waste Programs Division/Northern/Southern/Regional Office]
Arizona Department of Environmental Quality

ORIGINAL of the foregoing Compliance Order was sent certified mail, return receipt requested, this ___ day of _____, 200_, to:

[Name of Responsible Party]
[Address of Responsible Party]

COPY of the foregoing Compliance Order was filed this ___ day of _____ , 200_, with:

Arizona Department of Environmental Quality
Office of Special Counsel
Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

COPIES of the foregoing Compliance Order were sent by regular/interdepartmental mail, this ____ day of _____, 200_, to the following:

[Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

[Program Manager(s), ADEQ]

[County Health Department]

[Environmental Protection Agency]

APPENDIX B9

[ADEQ Letterhead]

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]
Attention: [Attention First Name] [Attention Last Name]
[Address]
[City, State, Zip]

Subject: Compliance Status
[Facility Name], [Facility Identification Number]
[Address or other location information]

Dear [Prefix] [Attention Last Name]:

The purpose of this letter it to inform you that the Arizona Department of Environmental Quality (ADEQ) has not received a response to the enclosed correspondence. As a result, ADEQ is requesting submittal of an appropriate response to the enclosed within 30 calendar days of receipt of this letter. Failing to adequately respond to this letter may result in escalated enforcement by ADEQ.

The documentation requested above will be deemed submitted when received by the ADEQ at the following address:

Arizona Department of Environmental Quality
Attention: [ADEQ Contact Name]
[Unit]
[Contact Address]

If you believe this letter has been sent in error or have any questions, please contact [ADEQ Contact Name] at [ADEQ Contact Phone Number]. Your cooperation in this matter is greatly appreciated.

Sincerely,

_____
[ADEQ Unit Manager], Manager
[Unit]

_____
[ADEQ Contact]
[Unit]

Enclosure

cc: [cc list]

APPENDIX B10

BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of: [Name of Facility] located at [Street Address of Facility] [City where Facility Located], [County where Facility Located], Arizona [ADEQ Identification Number for Facility]	)))))))))	**CONSENT ORDER** **Docket No._____**

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name of Facility] located at [Street Address of Facility], [City where Facility Located], [County where Facility Located], Arizona.

RECITALS

[Name of Responsible Party] acknowledges that no promise of any kind or nature whatsoever, was made to induce [him/her/it] to enter into this Consent Order, and [Name of Responsible Party] has done so voluntarily.

[Name of Responsible Party] acknowledges that by entering into this Consent Order, it does not resolve any liability it may have for civil penalties for violations of any State or Federal environmental law.

By entering into this Consent Order, [Name of Responsible Party] does not admit to any civil or criminal liability, or waive any right including but not limited to the assertion of any defense available to [Name of Responsible Party] under applicable law. Further, [Name of Responsible Party] does not admit, and both the Arizona Department of Environmental Quality ("ADEQ") and [Name of Responsible Party] retain the right to controvert in any subsequent proceeding except a proceeding to implement or enforce this Consent Order, the validity of any Findings of Fact or Conclusions of Law contained in this Consent Order.

The undersigned representative of [Name of Responsible Party] certifies that [he/she] is fully authorized to execute this Consent Order on behalf of [Name of Responsible Party] and to legally bind [Name of Responsible Party] to this Consent Order.

[Name of Responsible Party] admits to the jurisdiction of the Director of ADEQ.

Except as to the right to controvert the validity of any Findings of Fact or Conclusion of Law contained in this Consent Order in a proceeding other than to enforce this Consent Order, [Name of Responsible Party] consents to the terms and entry of this Consent Order and agrees not to contest the validity or terms of this Consent Order in any subsequent proceeding.

THEREFORE, IT IS HEREBY ORDERED as follows:

I. JURISDICTION

The Director of ADEQ has jurisdiction over the subject matter of this action and is authorized to issue this Consent Order pursuant to the Arizona Revised Statutes ("A.R.S.") §§ [49-261, 49-334, 49-354, 49-461, 49-781, 49-812, 49-862, 49-923, 49-964, or 49-1013] and 41-1092.07(F)(5).

II. FINDINGS

THE DIRECTOR HEREBY MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

A. Findings of Fact

[List of facts that are the basis for the Consent Order]

B. Conclusions of Law

[List of violations, including the legal citations, related to the Findings of Fact]

III. COMPLIANCE SCHEDULE

THE DIRECTOR HEREBY ORDERS and [Name of Responsible Party] agrees to comply with the provisions of this Consent Order as follows:

[List of compliance requirements and agreed upon deadlines for completion]

IV. STATUS REPORTS

Initial _____

A. [Name of Responsible Party] agrees to submit a written status report to ADEQ every thirty (30) calendar days beginning thirty (30) days from the effective date of this Consent Order, until termination of this Consent Order. Each written status report shall describe what measures have been taken under Section III, of this Consent Order, and shall certify when compliance with the requirements of Section III of this Order has been achieved. Each report shall be accompanied by evidence of compliance including, as appropriate, submittal of documents, photographs or copies of any other supporting information that [Name of Responsible Party] deems necessary.

B. ADEQ will review the status reports and relay any disputes in writing to [Name of Responsible Party]. [Name of Responsible Party] shall incorporate all required modifications, changes or other alterations, as requested by ADEQ, within a reasonable time specified by ADEQ.

V. VIOLATIONS OF ORDER/STIPULATED PENALTIES

A. Under A.R.S. § [49-262, 49-463, 49-783, 49-861, 49-924, or 49-1013 -- IF NO AUTHORITY LISTED, OMIT THIS SECTION], violation of this Consent Order subjects [Name of Responsible Party] to civil penalties of up to [$ statutory maximum] per day per violation. ADEQ and [Name of Responsible Party] agree that the calculation of civil penalties for violation of this Consent Order would be very difficult.

B. ADEQ and [Name of Responsible Party] therefore agree that if [Name of Responsible Party] fails to comply with any requirement of this Consent Order, [Name of Responsible Party] shall pay a stipulated penalty pursuant to the schedule below:

Period of Failure to Comply	Penalty Per Day of Violation
1st to 30th day	[$] per day per violation
31st to 60th day	[$] per day per violation
After 60 days	[$] per day per violation

C. Except as otherwise provided herein, stipulated penalties shall begin to accrue on the day that performance is due or that a violation of this Consent Order occurs and shall continue to accrue until correction of the act of noncompliance is completed. Neither issuance by ADEQ

Initial _____

nor receipt by [Name of Responsible Party] of a Notice of Violation of the terms and conditions of this Consent Order are conditions precedent to the accrual of stipulated penalties.

D. Stipulated penalty payments shall be made pursuant to a civil settlement (e.g., Consent Judgment) with ADEQ filed in a court of competent jurisdiction. If ADEQ and [Name of Responsible Party] are unable to reach agreement for payment of stipulated penalties under a civil settlement, or if [Name of Responsible Party] fails to make payment of stipulated penalties due under a civil settlement, ADEQ may file a civil action seeking the maximum civil penalty allowed under Federal or State law for violation of this Consent Order.

E. The stipulated penalties required by this Consent Order shall be in addition to other remedies or sanctions available to ADEQ by reason of any failure by [Name of Responsible Party] to comply with the requirements of Federal or State laws. The payment of stipulated penalties shall not relieve [Name of Responsible Party] from compliance with the terms and conditions of this Consent Order or Federal or State laws, nor limit the authority of the State to require compliance with the Consent Order or State law.

VI. COMPLIANCE WITH OTHER LAWS

A. This Consent Order does not encompass issues regarding releases, contamination, sources, operations, facilities or processes not expressly covered by the terms of this Consent Order, and is without prejudice to the rights of the State of Arizona or [Name of Responsible Party], arising under any federal or Arizona environmental statutes and rules with regard to such issues.

B. Nothing in this Consent Order shall constitute a permit of any kind, or a modification of any permit of any kind, or an agreement to issue a permit of any kind under federal, state or local law, or relieve [Name of Responsible Party] in any manner of [his/her/its] obligation to apply for, obtain, and comply with all applicable permits. Nothing in this Consent Order shall in any way alter, modify or revoke federal, state, or local law, or relieve [Name of Responsible Party] in any manner of [his/her/its] obligation to comply with such laws.

Initial _____

Compliance with the terms of this Consent Order shall not be a defense to any action to enforce any such permits or laws.

VII. FORCE MAJEURE

A. [Name of Responsible Party] shall perform all the requirements of this Consent Order according to the time limits set forth herein, unless performance is prevented or delayed by events which constitute a *force majeure*. *Force majeure*, for the purposes of this Consent Order, is defined as any event, arising from causes beyond the control of [Name of Responsible Party] or its authorized representatives which delays or prevents the performance of any obligation under this Consent Order and which could not have been overcome or prevented by [Name of Responsible Party]. The financial inability of [Name of Responsible Party] to comply with the terms of this Consent Order, shall not constitute a *force majeure*.

B. In the event of a *force majeure*, the time for performance of the activity affected by the *force majeure* shall be determined by ADEQ and extended for a period no longer than the delay caused by the *force majeure*. The time for performance of any activity dependent on the delayed activity shall be similarly extended. In the event of a *force majeure*, [Name of Responsible Party] shall notify ADEQ in writing within five (5) calendar days after [Name of Responsible Party] or [his/her/its] agents become aware of the occurrence. The written notice provided to ADEQ shall describe in detail the event, the anticipated delay, the measures taken and to be taken by [Name of Responsible Party] to prevent or minimize delay, and a proposed timetable under which those measures will be implemented. [Name of Responsible Party] shall take all reasonable measures to prevent or minimize any delay caused by the *force majeure*. Failure of [Name of Responsible Party] to comply with any requirements of this paragraph for a particular event, shall preclude [Name of Responsible Party] from asserting any claim of *force majeure* for that event.

VIII. SITE ACCESS

ADEQ may at any time, upon presentation of credentials to authorized personnel on duty, enter upon the premises at the Facility for the purpose of observing and monitoring compliance

Initial _____

with the provisions of this Consent Order. This right of entry shall be in addition to, and not in limitation of or substitution for, ADEQ's rights under applicable law.

IX. CORRESPONDENCE

All documents, materials, plans, notices, or other items submitted as a result of this Consent Order shall be transmitted to the addresses specified below:

To ADEQ:

Arizona Department of Environmental Quality
[ADEQ Division]
Attention: [ADEQ Contact and Title]
1110 West Washington Street
Phoenix, Arizona 85007-2935
Telephone: [Telephone Number of ADEQ Contact]

To [Name of Responsible Party]:

[Name of Responsible Party or Designee]
[Address of Responsible Party or Designee]
[Telephone Number of Responsible Party or Designee]

Submissions to ADEQ as a result of this Consent Order shall be deemed submitted upon receipt.

X. RESERVATION OF RIGHTS

A. This Consent Order is based solely upon currently available information. If additional information is discovered, which indicates that the actions taken under this Consent Order are or will be inadequate to protect human health, safety, or the environment, or to conform with applicable federal or state laws, ADEQ shall have the right to require further action.

B. ADEQ shall have the right: to pursue civil penalties for violations of any and all violations of A.R.S. Title 49, or the rules promulgated thereunder, occurring before entry of this Consent Order; to disapprove of work performed by [Name of Responsible Party] that fails to comply with this Consent Order; to take enforcement action for any and all violations of this Consent Order; and to take enforcement action for any and all violations of A.R.S. Title 49, or the rules promulgated thereunder, occurring after the entry of this Consent Order.

C. With respect to the terms and conditions of this Consent Order, [Name of Responsible Party] waives all rights to the informal appeals process as described in A.R.S. § 49-

Initial _____

1091, including an informal appeal of an approval, disapproval, or evaluation within the discretion of ADEQ. [UST ONLY - OMIT IF NOT A UST CONSENT ORDER]

XI. SEVERABILITY

The provisions of this Consent Order are severable. If any provision of this Consent Order is declared by a court of law to be invalid or unenforceable, all other provisions of this Consent Order shall remain in full force and effect.

XII. MODIFICATIONS

Any modifications of this Consent Order shall be in writing and must be approved by both [Name of Responsible Party] and ADEQ.

XIII. EFFECTIVE DATE

The effective date of this Consent Order shall be the date this Consent Order is signed by ADEQ and [Name of Responsible Party]. If such signatures occur on different dates, the later date shall be the effective date of this Consent Order.

XIV. PARTIES BOUND

No change in ownership, corporate status, or partnership status relating to the subject of this Consent Order will in any way alter the responsibilities of [Name of Responsible Party] under this Consent Order. [Name of Responsible Party] will be responsible, and will remain responsible, for carrying out all activities required under this Consent Order.

XV. TERMINATION

The provisions of this Consent Order shall be deemed satisfied and this Consent Order shall be terminated upon receipt of written notification from ADEQ that [Name of Responsible Party] has demonstrated, to the satisfaction of ADEQ, that all of the terms of this Consent Order have been completed. Any denial of a request for termination from [Name of Responsible Party] will be in writing and describe which terms of the Consent Order have not been completed to the satisfaction of ADEQ. ADEQ reserves the right to terminate this Consent Order unilaterally at any time for any reason. Any termination will include a written explanation of the reason(s) for termination.

Initial _____

ISSUED this ___ day of _____ , 200_.

_____
[Name of Division Director/Regional Office Manager], [Director/Manager]
[Air Quality/Water Quality/Waste Programs Division/Northern/Southern/Regional Office]
Arizona Department of Environmental Quality

CONSENT TO ORDER

The undersigned, on behalf of [Name of Responsible Party/Facilty], hereby acknowledges that [he/she] has read the foregoing Consent Order in its entirety, agrees with the statements made therein, consents to its entry and issuance by the Arizona Department of Environmental Quality, agrees that [Name of Responsible Party] will abide by the same and waive any right to appeal therefrom.

DATED this ___ day of _____ , 200_.

_____

[Signatory for Responsible Party]
[Title of Signatory]

ORIGINAL of the foregoing Consent Order was filed this ___ day of _____ , 200_, with:

[Hearing Administrator], Hearing Administrator
Office of Special Counsel
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, Arizona 85007-2935

COPY of the foregoing Consent Order was sent certified mail, return receipt requested, this ___ day of _____, 200_, to:

[Name of Responsible Party]
[Address of Responsible Party]

COPIES of the foregoing Consent Order were sent by regular/interdepartmental mail, this ____ day of _____, 200_, to the following:

[Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

[Program Manager(s), ADEQ]

[County Health Department]

[Environmental Protection Agency]

APPENDIX B11

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Interoffice Memorandum

PRIVILEGED AND CONFIDENTIAL - DO NOT PLACE IN THE PUBLIC FILE

Date: [Date]

To: [Director], Director

Through: [Deputy Director], Deputy Director

Through: [Enforcement Coordinator], Enforcement Coordinator

Through: [Division Director], Director
[Air Quality, Waste Programs, Water Quality] Division

Through: [Section Manager], Manager
[Appropriate Section]

Through: [Unit Manager], Manager
[Appropriate Unit]

From:

Subject: Transmittal of Information Relating to Potentially Criminal Activity

---

DESCRIPTION OF RELEVANT FACTS:

[Provide a detailed description of all relevant facts, including why the activity is considered to be potentially criminal.]

APPLICABLE STATUTES OR RULES:

[Identify the statutes or rules that are relevant to the situation.]

ADEQ CONTACT:

For additional information, please contact [contact name] at [phone number].

APPENDIX B12

BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of: [Name of Facility] located at [Street Address of Facility] [City where Facility Located], [County where Facility Located], Arizona [ADEQ Identification Number for Facility] [Permit/License Number]	)))))))))	**REVOCATION OF PERMIT [OR LICENSE]** **Docket No._____**

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name of Facility] located at [Street Address of Facility], [City where Facility Located], [County where Facility Located], Arizona.

RECITALS

The Director of the Arizona Department of Environmental Quality ("ADEQ") has determined that [Name of Responsible Party] is in violation of the Arizona Revised Statutes ("A.R.S."), the rules adopted pursuant to the A.R.S., or the permit/license issued pursuant to the A.R.S. As a result, the Director is hereby revoking [Permit/Licence Description].

I. AUTHORITY

The Director is authorized to revoke [Permit/Licence Description] pursuant to A.R.S. § [49-155(D), 49-245(B), 49-245.01(B), 49-245.02(B), 49-247(G), 49-287.05(C), 49-309(A), 49-333(D), 49-432, 49-441, 49-457(K), 49-546(F), 49-771(B), 49-782(A), 49-924(C), 49-1082(D) or Permit #]

II. NATURE OF VIOLATIONS

The Director has reason to believe that [Name of Responsible Party] has violated the following provisions set forth in the A.R.S., the Arizona Administrative Code (A.A.C.), or the ADEQ issued permit/license:

A. **[A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section/Order #/Order Section/Judgment #/Judgment Section]**
[Brief Legal Description of Violation]

[Factual Description of Violation(s)]

III. REVOCATION

This revocation becomes final within thirty (30) calendar days of receipt, unless a hearing is properly requested as set forth below. As a result, the effective date of this revocation is thirty (30) calendar days from the date of receipt, or if this revocation is appealed as set forth below, the date that [Name of Responsible Party] receives the Director's final decision on the appeal.

IV. RIGHT TO HEARING

[Name of Responsible Party] has a right to a hearing before an administrative law judge to contest this revocation. [Name of Responsible Party] may request a hearing, provided such request is made within thirty (30) calendar days of receipt of this revocation. A request for hearing must be in writing and must specifically identify those portions of this revocation which are contested. To request a hearing, submit a letter that specifically identifies those portions of the revocation being contested to the following address:

Arizona Department of Environmental Quality
Office of Special Counsel
Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

V. RESERVATION OF RIGHTS

By issuing this revocation the Arizona Department of Environmental Quality does not waive its right to seek appropriate penalties or injunctive relief in superior court for violations of the Arizona Revised Statutes, any rule, permit/license, or order promulgated or issued thereunder, or any other applicable environmental statute or legal authority.

ISSUED this ___ day of _____ , 200_.

_____
[Name of Division Director], Director
[Air Quality/Water Quality/Waste Programs] Division
Arizona Department of Environmental Quality

ORIGINAL of the foregoing revocation was sent certified mail, return receipt requested, this ___ day of _____, 200_, to:

[Name of Responsible Party]
[Address of Responsible Party]

COPY of the foregoing revocation was filed this ___ day of _____ , 200_, with:

Arizona Department of Environmental Quality
Office of Special Counsel
Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

COPIES of the foregoing revocation were sent by regular/interdepartmental mail, this ____ day of _____, 200_, to the following:

[Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

[Program Manager(s), ADEQ]

[County Health Department]

[Environmental Protection Agency]

APPENDIX B13

BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of: [Name of Facility] located at [Street Address of Facility] [City where Facility Located], [County where Facility Located], Arizona [ADEQ Identification Number for Facility] [Permit/License Number]	)))))))))	**SUSPENSION OF PERMIT [OR LICENSE]** **Docket No._____**

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name of Facility] located at [Street Address of Facility], [City where Facility Located], [County where Facility Located], Arizona.

RECITALS

The Director of the Arizona Department of Environmental Quality ("ADEQ") has determined that [Name of Responsible Party] is in violation of the Arizona Revised Statutes ("A.R.S."), the rules adopted pursuant to the A.R.S., or the permit/license issued pursuant to the A.R.S. As a result, the Director is hereby suspending [Permit/Licence Description] for a period of [Length of Suspension].

I. AUTHORITY

The Director is authorized to suspend [Permit/Licence Description] pursuant to A.R.S. § [49-155(D), 49-245(B), 49-245.01(B), 49-245.02(B), 49-247(G), 49-287.05(C), 49-309(A), 49-333(D), 49-432, 49-441, 49-457(K), 49-546(F), 49-771(B), 49-782(A), 49-924(C), 49-1082(D) or Permit #]

II. NATURE OF VIOLATIONS

The Director has reason to believe that [Name of Responsible Party] has violated the following provisions set forth in the A.R.S., the Arizona Administrative Code (A.A.C.), or the ADEQ issued permit/license:

1. **[A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section/Order #/Order Section/Judgment #/Judgment Section]**
   [Brief Legal Description of Violation]

   [Factual Description of Violation(s)]

III. SUSPENSION

This suspension becomes final within thirty (30) calendar days of receipt, unless a hearing is properly requested as set forth below. As a result, this [Length of Suspension] suspension begins thirty (30) calendar days from the date of receipt of this notice; or if this suspension is appealed as set forth below, the suspension begins on the date that [Name of Responsible Party] receives the Director's final decision on the appeal.

IV. RIGHT TO HEARING

[Name of Responsible Party] has a right to a hearing before an administrative law judge to contest this suspension. [Name of Responsible Party] may request a hearing, provided such request is made within thirty (30) calendar days of receipt of this suspension. A request for hearing must be in writing and must specifically identify those portions of this suspension which are contested. To request a hearing, submit a letter that specifically identifies those portions of the suspension being contested to the following address:

Arizona Department of Environmental Quality
Office of Special Counsel
Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

V. RESERVATION OF RIGHTS

By issuing this suspension the Arizona Department of Environmental Quality does not waive its right to seek appropriate penalties or injunctive relief in superior court for violations of the Arizona Revised Statutes, any rule, permit/license, or order promulgated or issued thereunder, or any other applicable environmental statute or legal authority.

ISSUED this ___ day of _____ , 200_.

_____
[Name of Division Director], Director
[Air Quality/Water Quality/Waste Programs] Division
Arizona Department of Environmental Quality

ORIGINAL of the foregoing suspension was sent certified mail, return receipt requested, this ___ day of _____, 200_, to:

[Name of Responsible Party]
[Address of Responsible Party]

COPY of the foregoing suspension was filed this ___ day of _____ , 200_, with:

Arizona Department of Environmental Quality
Office of Special Counsel
Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

COPIES of the foregoing suspension were sent by regular/interdepartmental mail, this ____ day of _____, 200_, to the following:

[Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

[Program Manager(s), ADEQ]

[County Health Department]

[Environmental Protection Agency]

APPENDIX B14

[ADEQ Letterhead]

[Date] Case ID #:[Case ID #]

[Facility Owner/Facility Operator]
Attention: [Attention First Name] [Attention Last Name]
[Address]
[City, State, Zip]

Subject: Closure of the [NOC Issue Date] Notice of Opportunity to Correct Deficiencies

Dear [Prefix] [Attention Last Name]:

The Arizona Department of Environmental Quality (ADEQ), has closed the Notice of Opportunity to Correct (NOC) issued to [Facility Owner/Facility Operator] on [NOC Issue Date]. By closing the NOC, ADEQ has determined that [Facility Owner/Facility Operator] is in substantial compliance. This determination is based solely upon a finding that the deficiencies have been corrected as requested within the NOC.

ADEQ will not proceed with further action at this time. However, if additional information regarding the alleged violations is discovered, or if further violations occur, ADEQ may reconsider its position and take additional action as appropriate and as allowed by law.

Thank you for your efforts to comply with the Arizona's environmental requirements. Should you have any comments or questions regarding this matter, please do not hesitate to contact me at [ADEQ Unit Manager Phone Number].

Sincerely,

_____
[ADEQ Unit Manager], Manager
[Unit]

cc: [cc list]

APPENDIX B15

[ADEQ Letterhead]

CERTIFIED MAIL Case ID #:[Case ID #]
Return Receipt Requested

[Date]

[Facility Owner/Facility Operator]
Attention: [Attention First Name] [Attention Last Name]
[Address]
[City, State, Zip]

Subject: Opportunity to Correct Deficiencies
[Facility Name], [Facility Identification Number]
[Address or other location information]

Dear [Prefix] [Attention Last Name]:

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that [Facility owner/Facility operator] as the owner/operator of [Facility name] may be in violation of Arizona's environmental requirements. The purpose of this letter is to update you on the status of ADEQ action resulting from an ADEQ inspection as required by A.R.S. § 41-1009(H), and to allow you an opportunity to correct these deficiencies without enforcement by ADEQ. An ADEQ inspection of the facility conducted on [Inspection Date] revealed the following:

1. **[A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section]**
[Brief Legal Description of Violation]

[Factual Description of Violation(s)]

Please review the above and submit a written response within [Number less than 180] calendar days of receipt of this letter to:

Arizona Department of Environmental Quality / Attention: [ADEQ Contact Name] / [Unit] / [Contact Address]

To establish compliance, your response must include the corrective actions that have been taken, along with appropriate documentation. Appropriate documentation includes invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits and any other document necessary to establish that the above deficiencies have been resolved. ADEQ may verify compliance by on-site inspection or other appropriate means. Within 30 days of receipt of your response to this letter, ADEQ will notify you whether the facility is in substantial compliance.

ADEQ may initiate enforcement for the above deficiencies if they are not corrected in a timely

manner as described within this letter. If these deficiencies are corrected within the time frames in this letter, no enforcement will be taken by ADEQ.

Although ADEQ has the authority to issue appealable administrative orders compelling compliance, this letter has no such force or effect. Your point of contact for resolution of these deficiencies will be [ADEQ Contact] who can be reached at [ADEQ Contact Phone Number] . Please contact him/her if you have any questions about this letter or need additional guidance.

Sincerely,

_____	_____
[ADEQ Unit Manager], Manager	[ADEQ Contact]
[Unit]	[Unit]

cc: [cc list]

APPENDIX B16

[ADEQ Letterhead]

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]
Attention: [Attention]
[Address]
[City, State, Zip]

Subject: [Facility Name], [Facility Identification Number]
[Address or other location information]

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that [Facility owner/Facility operator] as the owner/operator of [Facility name] has violated Aquifer Protection Permit # [APP Permit #]. The alleged violations listed in the attached table were identified on a Self-Monitoring Report Form (SMRF) received by ADEQ on [SMRF received date].

I. DOCUMENTING COMPLIANCE

1. Within [Number less than 120] calendar days of receipt of this Notice, please submit documentation that the violation never occurred, or [Detailed description of how the facility must either: 1) document that the violation never occurred; or 2) document that compliance has been achieved. Appropriate documentation includes: invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance.]

II. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

Arizona Department of Environmental Quality / Attention: [ADEQ Contact Name] / [Unit] / [Contact Address]

III. STATEMENT OF CONSEQUENCES

1. The time frames within this Notice for achieving and documenting compliance are firm limits. Failure to achieve or document compliance within the time frames established in this Notice will result in an administrative order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.

2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violations alleged in this Notice as allowed by law.

IV. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact [ADEQ Contact Name] at [ADEQ Contact Phone Number].

_____
[ADEQ Unit Manager], Manager
[Unit]

Attachment

APPENDIX B17

[ADEQ Letterhead]

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]
Attention: [Attention]
[Address]
[City, State, Zip]

Subject: [Facility Name], [Facility Identification Number]
[Address or other location information]

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that [Facility owner/Facility operator] as the owner/operator of [Facility name], has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit/license, administrative order or civil judgment. ADEQ discovered the violations alleged below during [an inspection completed on/a file review completed on/ a review of a report received on] [date].

I. LEGAL AUTHORITY and NATURE OF ALLEGED SIGNIFICANT VIOLATION(S)

1. **[A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section/Order #/Order Section/Judgment #/Judgment Section]**
[Brief Legal Description of Violation]

[Factual Description of Violation(s)]

II. LEGAL AUTHORITY and NATURE OF OTHER ALLEGED VIOLATION(S)

1. **[A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section]**
[Brief Legal Description of Violation]

[Factual Description of Violation(s)]

III. DOCUMENTING COMPLIANCE

Significant Violations

1. Within [Number less than 120] calendar days of receipt of this Notice, please submit documentation that the violation never occurred, or [Detailed description

of how the facility must either: 1) document that the violation never occurred; or 2) document that compliance has been achieved. Appropriate documentation includes: invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance.]

Other Violations

2. Within [Number less than 180] calendar days of receipt of this Notice, please submit a written response describing the corrective actions that have been taken to resolve the violations alleged in Section II, along with appropriate documentation. Appropriate documentation includes invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits and any other document necessary to establish that the violations have been resolved.

IV. SUBMITTING COMPLIANCE DOCUMENTATION

1. Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

   Arizona Department of Environmental Quality / Attention: [ADEQ Contact Name] / [Unit] / [Contact Address]

2. Within 30 calendar days of receipt of the compliance documentation for the violation(s) alleged in Section II of this Notice, ADEQ will provide written notification as to whether the associated violation(s) have been corrected.

V. STATEMENT OF CONSEQUENCES

Significant Violations

1. The time frames within this Notice for achieving and documenting compliance for the violation(s) alleged in Section I of this Notice are firm limits. Failure to achieve or document compliance for the violation(s) alleged in Section I of this Notice within the time frames established in this Notice will result in an administrative compliance order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames for achieving and documenting compliance for the violation(s) alleged in Section I of this Notice only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.

2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violation(s) alleged in Section I of this Notice as allowed by law.

Other Violations

3. ADEQ may take any enforcement action authorized by law for the violation(s) alleged in Section II of this Notice, if the violation(s) are not corrected, or if ADEQ determines that the violation(s) have not been corrected in the time frames within this Notice.

VI. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact [ADEQ Contact Name] at [ADEQ Contact Phone Number].

_____	_____
[ADEQ Unit Manager], Manager	[ADEQ Contact]
[Unit]	[Unit]

APPENDIX B18

[ADEQ Letterhead]

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]
Attention: [Attention]
[Address]
[City, State, Zip]

Subject: [Facility Name], [Facility Identification Number]
[Address or other location information]

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that [Facility owner/Facility operator] as the owner/operator of [Facility name], has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit/license, administrative order or civil judgment. ADEQ discovered the violations alleged below during [an inspection completed on/a file review completed on/a review of a report from the facility received on] [date].

I. LEGAL AUTHORITY and NATURE OF ALLEGED VIOLATION(S)

1. **[A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section/Order #/Order Section/Judgment #/Judgment Section]**
[Brief Legal Description of Violation]

   [Factual Description of Violation(s)]

II. DOCUMENTING COMPLIANCE

1. Within [Number less than 120] calendar days of receipt of this Notice, please submit documentation that the violation never occurred, or [Detailed description of how the facility must either: 1) document that the violation never occurred; or 2) document that compliance has been achieved. Appropriate documentation includes: invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance.]

III. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence

regarding this Notice to ADEQ at the following address:

Arizona Department of Environmental Quality / Attention: [ADEQ Contact Name] / [Unit] / [Contact Address]

IV. STATEMENT OF CONSEQUENCES

1. The time frames within this Notice for achieving and documenting compliance are firm limits. Failure to achieve or document compliance within the time frames established in this Notice will result in an administrative order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.

2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violations alleged in this Notice as allowed by law.

V. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact [ADEQ Contact Name] at [ADEQ Contact Phone Number].

_____	_____
[ADEQ Unit Manager], Manager	[ADEQ Contact]
[Unit]	[Unit]

APPENDIX B19

[ADEQ Letterhead]

[Date] Case ID #:[Case ID #]

[Facility Owner/Facility Operator]
Attention: [Attention First Name] [Attention Last Name]
[Address]
[City, State, Zip]

Subject: Closure of the [NOV Issue Date] Notice of Violation

Dear [Prefix] [Attention Last Name]:

The Arizona Department of Environmental Quality (ADEQ), has closed the Notice of Violation (NOV) issued to [Facility Owner/Facility Operator] on [NOV Issue Date]. ADEQ has closed the NOV based upon its determination that [Facility Owner/Facility Operator] has met the *Documenting Compliance* provisions of the NOV.

ADEQ will not proceed with further action at this time. However, if additional information regarding the alleged violations is discovered, or if further violations occur, ADEQ may reconsider its position and take additional action as appropriate and as allowed by law.

Thank you for your efforts to comply with the Arizona's environmental requirements. Should you have any comments or questions regarding this matter, please do not hesitate to contact me at [ADEQ Unit Manager Phone Number].

Sincerely,

_____
ADEQ Unit Manager], Manager
[Unit]

cc: [cc list]

APPENDIX B20

[ADEQ Letterhead]

[Date] Case ID #:[Case ID #]

[Facility Owner/Facility Operator]
Attention: [Attention First Name] [Attention Last Name]
[Address]
[City, State, Zip]

Subject: Notice of Violation issued on [NOV Issue Date]
Compliance Documented

Dear [Prefix] [Attention Last Name]:

This letter constitutes a monthly update on the status of Arizona Department of Environmental Quality (ADEQ) action resulting from ADEQ's inspection of the above-referenced site on [Inspection Date], as required by A.R.S. § 41-1009(H).

Based upon [a file review conducted on/a review of the information submitted on/a follow-up inspection conducted on] [date], ADEQ has determined that the *Documenting Compliance* provisions of the Notice of Violation (NOV) issued to [Facility Owner/Facility Operator] on [NOV Issue Date] have been met.

Even though the *Documenting Compliance* provisions of the NOV have been met, ADEQ reserves the right to take additional action, including seeking civil penalties for the violations alleged in the NOV. ADEQ will continue to keep you informed about whether it will pursue further action through monthly action update letters.

Should you have any comments or questions regarding this matter, please do not hesitate to contact me at [ADEQ Unit Manager Phone Number].

Sincerely,

_____
[ADEQ Unit Manager], Manager
[Unit]

cc: [cc list]

APPENDIX B21

To be included in the cover letter to a Notice of Violation:

This letter constitutes the monthly update on the status of Arizona Department of Environmental Quality ("ADEQ") action resulting from ADEQ's inspection of the above-referenced site on [Inspection Date], as required by A.R.S. § 41-1009(H).

The attached Notice of Violation ("NOV") is an informal compliance assurance tool used by ADEQ to put a responsible party (such as a facility owner or operator) on notice that the Department believes a violation of an environmental requirement has occurred. It describes the facts known to ADEQ at the time of issuance and cites the requirement that ADEQ believes the party has violated.

Although ADEQ has the authority to issue appealable administrative orders compelling compliance, an NOV has no such force or effect. Rather, an NOV provides the responsible party an opportunity to do any of the following before ADEQ takes formal enforcement action: (1) meet with ADEQ and discuss the facts surrounding the violation, (2) demonstrate to ADEQ that no violation has occurred, or (3) document that the violation has been corrected.

ADEQ reserves the right to take a formal enforcement action, such as issuing an administrative order or filing a civil lawsuit, regardless of whether the Department has issued an NOV. Neither ADEQ's issuance of an NOV nor its failure to do so precludes the Department from pursuing these remedies. However, the timeliness of a complete response to this notice will be considered by ADEQ in determining if and how to pursue such remedies.

APPENDIX B22

[ADEQ Letterhead]

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]
Attention: [Attention First Name] [Attention Last Name]
[Address]
[City, State, Zip]

Subject: Missed Notice of Violation Deadline
[Facility Name], [Facility Identification Number]
[Address or other location information]

Dear [Prefix] [Attention Last Name]:

The purpose of this letter is to update you on the status of ADEQ action resulting from an Arizona Department of Environmental Quality (ADEQ) inspection conducted on [Inspection Date] as required by A.R.S. § 41-1009(H), and to request an informal meeting to discuss the unresolved violations alleged by ADEQ in a Notice of Violation (NOV) dated [NOV Date] and received by you on [NOV Receipt Date]. ADEQ is asking for this meeting because the department has yet to receive the following compliance documentation as requested in the NOV:

	Compliance Documentation	Date Due
1.	[Compliance Documentation Requirement]	[Due Date]

ADEQ's Consent Order Negotiation Guidelines have been enclosed for your review. These guidelines describe ADEQ's administrative enforcement process, including the various options and deadlines for demonstrating compliance. ADEQ will be happy to answer any questions you have about this process during our meeting.

Please contact [ADEQ Contact Name] of my staff, at [ADEQ Contact Phone Number] immediately upon receipt of this letter to schedule a meeting. ADEQ still hopes to resolve these alleged violations with your input, but failing to contact ADEQ will result in the issuance of an administrative order requiring compliance within time frames specified by ADEQ.

Sincerely,

_____
[ADEQ Unit Manager], Manager
[Unit]

Enclosure

cc: [cc list]

APPENDIX B23

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
NOTICE OF INSPECTION RIGHTS

FACILITY INFORMATION	ADEQ INFORMATION
Facility Name (Customer):_____	**Date of Inspection:** _____/_____/_____
Facility Location (Place):_____	**County:**_____
_____	**Inspector:**_____
Mailing Address:_____	**Telephone:**_____
_____	**Accompanied by:**_____
Responsible Party:_____	_____
Telephone:_____	**ADEQ Follow-up Contact:**_____
On-Site Representative:_____	_____
Title:_____	**Title:**_____
Telephone: _____	**Telephone:**_____

The ADEQ representative(s) identified above were present at the above address on the above listed date and time. Upon entry to the premises, the ADEQ representative(s) met with me, presented photo identification indicating that they are ADEQ employees and explained:

❑ That the purpose of the inspection is to determine:

[ ] Compliance with Title 49 of the Arizona Revised Statutes, Title 18 of the Arizona Administrative Code* and/or:

Arizona Revised Statutes: Title _____, Chapter _____, Article _____

Arizona Administrative Code: Title _____, Chapter _____, Article _____

Permit/Agreement Number: _____

[ ] Qualification for a license issued pursuant to:

Arizona Revised Statutes: § _____

Arizona Administrative Code: R _____

❑ That this inspection is conducted pursuant to the authority granted in Arizona Revised Statutes § 49-104(B)(8) and/or:

Arizona Revised Statutes: § _____

Arizona Administrative Code: R _____

Permit/Agreement Number : _____

❑ That the fee for this inspection is: _____

*The Arizona Revised Statutes (A.R.S.) can be found on the internet: www.azleg.state.az.us/ArizonaRevisedStatutes.asp while the Arizona Administrative Code (A.A.C.) can be found at www.sosaz.com/public_services/Table_of_Contents.htm

While I have the right to refuse to sign this form, the ADEQ representatives may still proceed with the inspection

[ ] I have read both sides of this notice and discussed any questions or concerns with the ADEQ representatives.

_____ _____

Signature of Regulated Person or Authorized On-Site Representative Date

[ ] The regulated person or authorized on-site representative refused to sign.

_____ _____

Name of Regulated Person or Authorized On-Site Representative Title

[ ] The regulated person or an authorized on-site representative was not present at the facility.

_____ _____

Signature of ADEQ Representative Date

INSPECTION RIGHTS

❑ I understand that I can accompany the ADEQ representative(s) on the premises, except during confidential interviews.

❑ I understand that I have right to:

- ➢ Copies of any original documents taken during the inspection, and that ADEQ will provide copies of those documents at ADEQ's expense.
- ➢ A split of any samples taken during the inspection, if the split of the samples would not prohibit an analysis from being conducted or render an analysis inconclusive.
- ➢ Copies of any analysis performed on samples taken during the inspection and that ADEQ would provide copies of this analysis at ADEQ's expense.

❑ I also understand that:

- ➢ Each person interviewed during the inspection must be informed that statements made by the person may be included in the inspection report.
- ➢ Each person whose conversation is tape recorded during the inspection must be informed that the conversation is being tape recorded.
- ➢ If an administrative order is issued or a permit decision is made based on the results of the inspection, I have the right to appeal that administrative order or permit decision. I understand that my administrative hearing rights are set forth in Arizona Revised Statutes § 41-1092 *et seq*. and my rights relating to an appeal of a final agency decision are found in Arizona Revised Statutes § 12-901 *et seq*.
- ➢ If I have any questions or concerns about this inspection, I may contact the person listed as the ADEQ Follow-up Contact on the front of this form; ADEQ's Ombudsman at (602) 771-4881 (toll free inside Arizona at (800) 234-5677, extension, 771-4881); or the Arizona Ombudsman-Citizens' Aid office at (602) 277-7292 (toll free at (800) 872-2879).
- ➢ If I have any questions concerning my rights to appeal an administrative order or permit decision, I may contact ADEQ's Office of Special Counsel at (602) 771-2212 (toll free inside Arizona at (800) 234-5677, extension 771-2212).

APPENDIX B24

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Interoffice Memorandum

CONFIDENTIAL - DO NOT PLACE IN PUBLIC FILE

Date: [Date]

To: [Department Director], Director

Through: [Department Deputy Director], Deputy Director

{Non-Enforcement Related:
Through: [ADEQ Special Counsel], Special Counsel
Office of Special Counsel}

{Enforcement Related:
Through: [ADEQ C & E Coordinator], Compliance and Enforcement Coordinator
Office of Special Counsel}

Through: [Appropriate Division Director], Director
[Air Quality/Water Quality/Waste Programs] Division

Through: [Appropriate Section Manager], Manager
[Appropriate Section] Section

From: [Appropriate Unit Manager], Manager
[Appropriate Unit] Unit

Subject: Request for Assignment of an Assistant Attorney General

---

DESCRIPTION OF FACTS

[Provide a brief description of all relevant facts. Unless the situation is extremely complicated, one or two paragraphs should be sufficient.]

APPLICABLE STATUTES OR RULES

[Identify the statutes or rules that are relevant to the situation.]

JUSTIFICATION FOR ASSIGNMENT

[State the basis for requiring AAG assistance. If an emergency assignment is necessary please describe all relevant facts.]

PRIORITY

[Provide the appropriate Priority and Category based upon the following:

Priority	Category
12 & Above	Urgent
9 - 11	High
6 - 8	Medium
5 & Below	Low

All requests for representation at administrative hearings, which are handled by the Office of Special Counsel, will receive a point score of "12".

Low priority referrals should not be made, absent extraordinary circumstances justified in writing to the Office of Special Council

Determine the Priority by adding the points for the Type of Referral, the Time Sensitivity of Referral and the Production Time.

Type of Referral: (One Category Only)	Points:
Civil action enforcement	4
Defending ADEQ in environmental litigation	4
Legislative negotiations	3
Attendance at negotiations meeting with regulated party represented by outside counsel	3
Attendance at internal ADEQ meeting	2
Representation of ADEQ employee at deposition/trial	2
Rule review	2
IGA/Contract approvals	2
Written advice	1
Bankruptcy representation	1
Other	1

Time Sensitivity of Referral: (Maximum of 3 Categories)	
Immediate threat or actual harm to public health/environment	1-5
Precedential importance/threat to integrity of program/ potential threat of legal/tort liability	1-5
Statutory/rule deadline requiring response in less than 30 days	4
Recalcitrance/history of noncompliance	1-3
Political urgency	1-3
No factors apply	1

Production Time: ("4" represents the quickest turnaround time) 1-4]

ADEQ CONTACT

For additional information concerning this case, please contact [contact name] at [phone number].

Attachments: [List all documents relevant to the situation that have been attached]

APPENDIX B25

BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of:	)	**TERMINATION OF [ABATEMENT/ COMPLIANCE/ CONSENT] ORDER**
	)	
[Identical Caption to Original Order]	)	
	)	**Docket No.** [Same as Original Order]
	)	
_____	)	

TO: [Identical to Original Order]

The Arizona Department of Environmental Quality is hereby terminating [Abatement/Compliance/Consent] Order, Docket No. [Docket Number], issued on [Date of Order]. The Order is being terminated for the following reason(s):

[State the factual reason(s) for terminating the Order].

ISSUED this_____ day of _____ 200_.

_____
[Division Director], Director
[Air Quality/Waste Programs/Water Quality] Division
Arizona Department of Environmental Quality

ORIGINAL of the foregoing Termination of [Abatement/Compliance/Consent] Order was filed this ____ day of _____, 200_ with:

[Hearing Administrator], Hearing Administrator
Office of Special Counsel
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, Arizona 85007-2935

COPY of the foregoing Termination of [Abatement/Compliance/Consent] Order was sent certified mail, return receipt requested, this _____ day _____, 200_, to:

[Name of Responsible Party]
[Address of Responsible Party]

COPIES of the foregoing Termination of [Abatement/Compliance/Consent] Order were sent by regular/interdepartmental mail this ____ day of _____, 200_, to:

[Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

[Program Manager(s), ADEQ]

[County Health Department]

[Environmental Protection Agency]

APPENDIX B26

To be included in the cover letter to a Notice of Violation issued for violation of an administrative order:

The attached Notice of Violation ("NOV") is an informal compliance assurance tool used by the Arizona Department of Environmental Quality ("ADEQ") to put a responsible party (such as a facility owner or operator) on notice that the Department believes a violation of an administrative order issued by ADEQ has occurred. It describes the facts known to ADEQ at the time of issuance and cites the provision(s) of the order that ADEQ believes the party has violated. The NOV in no way changes obligations or time frames specified within the administrative order.

An NOV does not constitute an appealable agency action. Rather, an NOV provides the responsible party an opportunity to do any of the following before ADEQ takes formal enforcement action: (1) meet with ADEQ and discuss the facts surrounding the violation, (2) demonstrate to ADEQ that no violation has occurred, or (3) document that the violation has been corrected. Although the NOV states that ADEQ will agree to extend the NOV time frames only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment, for violation(s) of an administrative order, ADEQ will agree to extend the time frames in the context of a civil consent judgment only.

ADEQ reserves the right to take a formal enforcement action, such as filing a civil lawsuit or revoking/suspending an associated permit, regardless of whether the Department has issued an NOV. Neither ADEQ's issuance of an NOV nor its failure to do so precludes the Department from pursuing these remedies. However, the timeliness of a complete response to this notice will be considered by ADEQ in determining if and how to pursue such remedies.

APPENDIX B27

[ADEQ Letterhead]

[Date] Case ID #:[Case ID #]

[Facility Owner/Facility Operator]
Attention: [Attention First Name] [Attention Last Name]
[Address]
[City, State, Zip]

Subject: Notice of Violation issued on [NOV Issue Date]
Compliance Documented

Dear [Prefix] [Attention Last Name]:

The Arizona Department of Environmental Quality (ADEQ) has determined that the *Documenting Compliance* provisions of the Notice of Violation (NOV) issued to [Facility Owner/Facility Operator] on [NOV Issue Date] have been met by submittal and approval of a State Assurance Fund Preapproval application and work plan.

Even though the *Documenting Compliance* provisions of the NOV have been met, ADEQ reserves the right to take additional action, including seeking civil penalties for the violations alleged in the NOV. Furthermore, if compliance is not achieved through the preapproval process, ADEQ may initiate formal enforcement, including the issuance of a unilateral order requiring compliance within a reasonable time specified by ADEQ, or by filing of a civil action in superior court.

Should you have any comments or questions regarding this matter, please do not hesitate to contact me at [ADEQ Unit Manager Phone Number].

Sincerely,

_____
ADEQ Unit Manager], Manager
[Unit]

cc: [cc list]

APPENDIX B28

To be included in the cover letter to a Notice of Violation issued for violation of a Consent Order issued by the UST Corrective Action Section:

The attached Notice of Violation ("NOV") is an informal compliance assurance tool used by the Arizona Department of Environmental Quality ("ADEQ") to put a responsible party (such as a facility owner or operator) on notice that the Department believes a violation of a Consent Order issued by ADEQ has occurred. It describes the facts known to ADEQ at the time of issuance and cites the provision(s) of the order that ADEQ believes the party has violated. The NOV in no way changes obligations or time frames specified within the Consent Order.

Pursuant to A.R.S. § 49-1052(F)(3)(c), violation of the Consent Order may result in withholding of payment from the State Assurance Fund (SAF) for those costs incurred for those activities that are the direct subject of the violation of the Consent Order. An NOV is not a final administrative decision under A.R.S. § 49-1052(F)(3)(c), though, and does not constitute an appealable agency action. Rather, an NOV provides the responsible party an opportunity to do any of the following before ADEQ takes formal action: (1) meet with ADEQ and discuss the facts surrounding the violation, (2) demonstrate to ADEQ that no violation has occurred, or (3) document that the violation has been corrected. Although the NOV states that ADEQ will agree to extend the NOV time frames only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment, for violation(s) of an administrative order, ADEQ will agree to extend the time frames in the context of a civil consent judgment only.

ADEQ reserves the right to take a formal enforcement action, such as filing a civil lawsuit or revoking/suspending an associated permit, regardless of whether the Department has issued an NOV. Neither ADEQ's issuance of an NOV nor its failure to do so precludes the Department from pursuing these remedies. However, the timeliness of a complete response to this notice will be considered by ADEQ in determining if and how to pursue such remedies.

APPENDIX B29

BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of: [Name of Facility] located at [Street Address of Facility] [City where Facility Located], [County where Facility Located], Arizona [ADEQ Identification Number for Facility] _____	)))))))))	**ADMINISTRATIVE DECISION FINDING VIOLATION OF CONSENT ORDER AND WITHHOLDING PAYMENT FROM THE STATE ASSURANCE FUND** **Docket No._____**

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name of Facility] located at [Street Address of Facility], [City where Facility Located], [County where Facility Located], Arizona.

RECITALS

The Director of the Arizona Department of Environmental Quality ("ADEQ") has determined that [Name of Responsible Party] has violated Consent Order [Docket Number]. As a result, the Director is withholding payment from the assurance account for those costs incurred for those activities that are the direct subject of the violation.

I. AUTHORITY

The Director is authorized to withhold payment from the assurance account for those costs incurred for those activities that are the direct subject of violation of a Consent Order pursuant to A.R.S. § 49-1052(F)(3)(c).

II. NATURE OF VIOLATIONS

The Director has reason to believe that [Name of Responsible Party] has violated the following provisions set forth in Consent Order [Docket Number]:

A. **[Order #/Order Section]**
[Brief Legal Description of Violation]

[Factual Description of Violation(s)]

III. ASSURANCE ACCOUNT PAYMENT(S) WITHHELD

IT IS DETERMINED that the following costs shall be withheld for the above-described violations: [Detailed accounting of those costs that will be withheld as a result of the Consent Order violations]

IV. RIGHT TO HEARING

[Name of Responsible Party] has a right to a hearing before an administrative law judge to contest this administrative decision. [Name of Responsible Party] may request a hearing, provided such request is made within thirty (30) calendar days of receipt of this decision. A request for hearing must be in writing and must specifically identify those portions of this decision which are contested. To request a hearing, submit a letter that specifically identifies those portions of the decision being contested to the following address:

Arizona Department of Environmental Quality
Office of Special Counsel
Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

V. FINAL ADMINISTRATIVE DECISION

This administrative decision becomes final within thirty (30) calendar days of receipt, unless a hearing is properly requested as set forth above. As a result, the effective date of this decision is thirty (30) calendar days from the date of receipt, or if this decision is appealed as set forth above, the date that [Name of Responsible Party] receives the Director's final decision on the appeal.

VI. RESERVATION OF RIGHTS

By issuing this administrative decision, the Arizona Department of Environmental Quality does not waive its right to seek appropriate penalties or injunctive relief in superior court for violations of the Arizona Revised Statutes, any rule, permit, or order promulgated or issued thereunder, or any other applicable environmental statute or legal authority.

ISSUED this ___ day of _____ , 200_.

_____
[Name of Division Director], Director
Waste Programs Division
Arizona Department of Environmental Quality

ORIGINAL of the foregoing administrative decision was sent certified mail, return receipt requested, this ___ day of _____, 200_, to:

[Name of Responsible Party]
[Address of Responsible Party]

COPY of the foregoing administrative decision was filed this __ day of _____ , 200_, with:

Arizona Department of Environmental Quality
Office of Special Counsel
Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

COPIES of the foregoing administrative decision were sent by regular/interdepartmental mail, this ____ day of _____, 200_, to the following:

[Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

[Program Manager(s), ADEQ]

APPENDIX B30

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
INCIDENT/SPILL REPORT FORM

Report Taken By:	Phone #:	Date Reported:	Time Reported:
ERU #:	AZSERC #:	NRC #:	Provisional I.D. #:
Other Agencies Notified:			

CALLER INFORMATION:

Caller Name:	Title:	Organization:	Address:
Phone #:	Incident Date:	Incident Time:	Other:

POTENTIAL RESPONSIBLE PARTY INFORMATION:

Potential Responsible Party Name:		Type of Operation:		
Address:	City:	County:	State:	Zip Code:
Phone #:	2nd Phone #:	Other:		

INCIDENT LOCATION/INFORMATION:

Site Location Description/Directions:				
Street Address:	City:	County:	State:	Zip Code:
GPS Coordinates:	Highway # & Milepost #		Railroad Milepost #	
Distance to Sensitive Environment/Population (Describe):				

INCIDENT DESCRIPTION:

Incident Type\Description:
Incident Source:
Incident Cause:
Affected Media (air, soil, water); Extent, Body of Water Name
Witnesses:

MATERIALS INVOLVED:

Material Name:	CAS #:	Physical State:	Container Type:	Quantity :	Units:

DAMAGE DESCRIPTION:

Responding OSC:	Responsible for Cleanup:	Referred To:
# of Injuries:	# of Deaths:	Property Damage in $:
Evacuation Zone:		
Remedial Action:		
Environmental Consultant/Cleanup Contractor (Name and Address):		

ADDITIONAL DETAILS/COMMENTS:

Program Proposed to be Assigned:	
Date Assigned:	Program Assigned:
Assigned by:	

APPENDIX B31

To be included in the cover letter to a Notice of Violation for a spill:

Also enclosed is a brief description of ADEQ's Voluntary Remediation Program (VRP) for your review and consideration. Participation in the VRP is another option for resolving the spill-related violations alleged in the Notice of Violation. Acceptance into the VRP will result in ADEQ immediately closing the spill-related violations alleged in the Notice of Violation. If the NOV is closed, ADEQ will not pursue clean up of the spill through enforcement (but may still pursue civil penalties). Successful completion of remedial activities under the VRP (i.e., through receipt of a no further action or conditional no further action determination), though, will significantly reduce any civil penalties sought by ADEQ. Participation in the VRP is entirely voluntary. Choosing not to participate will in no way influence ADEQ's future actions with respect to the spill.

APPENDIX B32

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ)
VOLUNTARY REMEDIATION PROGRAM (VRP)

Voluntary Remediation Program (VRP) Overview:
The Voluntary Remediation Program (VRP) provides parties with an avenue to remediate contaminated sites in cooperation with ADEQ. The VRP has undergone substantial changes over the past few years. Specifically, a new prescriptive statute became effective July 18, 2000, and new interim fee rule became effective February 9, 2001. Upon successful completion of remediation activities the VRP will issue a No Further Action (NFA) or Conditional No Further Action (CNFA) determination for a site or portion of a site.

Who is eligible?
In general, a site is **INELIGIBLE** if:
1. It is subject to corrective action or closure, and has a hazardous waste permit or qualifies for hazardous waste interim status;
2. It is subject to an existing written agreement between the applicant and ADEQ, an administrative order issued by ADEQ, or a judicial judgment or decree;
3. Prior to submitting the VRP application, a judicial action was filed and served by the state;
4. It is located in a WQARF boundary area and wishes to address the WQARF contaminants of concern through VRP participation, or is listed on the WQARF Registry;
5. It has a release in violation of a permit subject to Title 49 of the Arizona Revised Statutes; or
6. It is a UST corrective action site where State Assurance Fund reimbursement will be sought.

What are the fees?
Fees include:
1. Non-refundable application fee of $2,000, which is also credited toward reimbursements if the site is accepted;
2. Hourly reimbursable rate of $110 for review and oversight;
3. An initial deposit of $4,000 submitted with work plan or reports; and
4. At any time should the account fall below $1,000, an additional advance deposit of $4,000 will be required to continue work.

How do I apply?
A downloadable application is available on the ADEQ website at:
www.adeq.state.az.us/environ/waste/capdev/voluntary

What documents should I review in order to obtain more detailed information?
1. A.R.S. §§ 49-171 through 188 (www.azleg.state.az.us/ars/49/title49.htm); and
2. A.A.C. R18-7-501 through 507 (www.sosaz.com/public_services/Table_of_Contents.htm).

Who do I contact if I have further questions?
ADEQ Waste Programs Division, Voluntary Remediation Program at (602) 771-4398 or toll free in Arizona at (800) 234-5677, extension 4398.

APPENDIX B33

[ADEQ Letterhead]

[Date] Case ID #:[Case ID #]

[Facility Owner/Facility Operator]
Attention: [Attention First Name] [Attention Last Name]
[Address]
[City, State, Zip]

Subject: Notice of Violation issued on [NOV Issue Date]

Dear [Prefix] [Attention Last Name]:

This letter constitutes a monthly update on the status of Arizona Department of Environmental Quality (ADEQ) action resulting from ADEQ's inspection of the above-referenced site on [Inspection Date], as required by A.R.S. § 41-1009(H).

ADEQ has determined that the *Documenting Compliance* provisions of the Notice of Violation (NOV) issued to [Facility Owner/Facility Operator] on [NOV Issue Date] have been met by acceptance of the site into the Voluntary Remediation Program (VRP).

Even though the *Documenting Compliance* provisions of the NOV have been met, ADEQ reserves the right to take additional action, including seeking civil penalties for the violations alleged in the NOV. Any penalties sought, though, will be significantly reduced by a no further action determination or conditional no further action determination made under the VRP. Should the approved VRP application be terminated or withdrawn, ADEQ will pursue escalated enforcement, which may include seeking civil penalties with no reduction. ADEQ will continue to keep you informed about whether it will pursue further action through monthly action update letters.

Should you have any comments or questions regarding this matter, please do not hesitate to contact me at [ADEQ Unit Manager Phone Number].

Sincerely,

_____
ADEQ Unit Manager], Manager
[Unit]

cc: [cc list]

APPENDIX B34

[ADEQ Letterhead]

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]
Attention: [Attention]
[Address]
[City, State, Zip]

Subject: [Facility Name], [Facility Identification Number]
[Address or other location information]

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that [Facility owner/Facility operator] as the owner/operator of [Facility name] has violated Aquifer Protection Permit # [APP Permit #]. ADEQ did not receive the [Reporting Frequency] Self-Monitoring Report Form (SMRF) within 30 days after the date due, which was [SMRF due date].

I. DOCUMENTING COMPLIANCE

1. Within [Number less than 120] calendar days of receipt of this Notice, please submit documentation that the violation never occurred or, [Detailed description of how the facility must either: 1) document that the violation never occurred; or 2) document that compliance has been achieved. Appropriate documentation includes: invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance.]

II. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

Arizona Department of Environmental Quality / Attention: [ADEQ Contact Name] / [Unit] / [Contact Address]

III. STATEMENT OF CONSEQUENCES

1. The time frames within this Notice for achieving and documenting compliance are firm limits. Failure to achieve or document compliance within the time frames established in this Notice will result in an administrative order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.

2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violations alleged in this Notice as allowed by law.

IV. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact [ADEQ Contact Name] at [ADEQ Contact Phone Number].

_____

[ADEQ Unit Manager], Manager
[Unit]

APPENDIX B35

BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of: [Name of Facility] located at [Street Address of Facility] [City where Facility Located], [County where Facility Located], Arizona [ADEQ Identification Number for Facility]	)))))))))	**CONSENT ORDER WITH CIVIL ADMINISTRATIVE PENALTY** **Docket No._____**

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name of Facility] located at [Street Address of Facility], [City where Facility Located], [County where Facility Located], Arizona.

RECITALS

[Name of Responsible Party] acknowledges that no promise of any kind or nature whatsoever, was made to induce [him/her/it] to enter into this Consent Order, and [Name of Responsible Party] has done so voluntarily.

By entering into this Consent Order, [Name of Responsible Party] does not admit to any civil or criminal liability, or waive any right including but not limited to the assertion of any defense available to [Name of Responsible Party] under applicable law. Further, [Name of Responsible Party] does not admit, and both the Arizona Department of Environmental Quality ("ADEQ") and [Name of Responsible Party] retain the right to controvert in any subsequent proceeding except a proceeding to implement or enforce this Consent Order, the validity of any Findings of Fact or Conclusions of Law contained in this Consent Order.

The undersigned representative of [Name of Responsible Party] certifies that [he/she] is fully authorized to execute this Consent Order on behalf of [Name of Responsible Party] and to legally bind [Name of Responsible Party] to this Consent Order.

[Name of Responsible Party] admits to the jurisdiction of the Director of ADEQ.

Except as to the right to controvert the validity of any Findings of Fact or Conclusion of Law contained in this Consent Order in a proceeding other than to enforce this Consent Order, [Name of Responsible Party] consents to the terms and entry of this Consent Order and agrees not to contest the validity or terms of this Consent Order in any subsequent proceeding.

THEREFORE, IT IS HEREBY ORDERED as follows:

I. JURISDICTION

The Director of ADEQ has jurisdiction over the subject matter of this action and is authorized to issue this Consent Order pursuant to the Arizona Revised Statutes ("A.R.S.") §§ 49-354 and 41-1092.07(F)(5).

II. FINDINGS

THE DIRECTOR HEREBY MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

A. Findings of Fact

1. [Name of Responsible Party] owns and/or operates [Name of Facility] located at [Street Address of Facility], [City where Facility Located], [County where Facility Located], Arizona.

[List of facts that are the basis for the Consent Order]

B. Conclusions of Law

1. [Name of Facility] is a public water system as defined in A.R.S. § 49-352(B) and A.A.C. R18-4-101.

2. [Name of Facility] is a [community/nontransient, noncommunity/transient, noncommunity] system as defined in A.A.C. R18-4-101.

3. [Name of Responsible Party], as owner and/or operator of [Name of Facility], is a water supplier as defined in A.A.C. R18-4-101.

[List of violations, including the legal citations, related to the Findings of Fact]

III. COMPLIANCE SCHEDULE

Initial _____

THE DIRECTOR HEREBY ORDERS and [Name of Responsible Party] agrees to comply with the provisions of this Consent Order as follows:

[List of compliance requirements and agreed upon deadlines for completion]

IV. STATUS REPORTS

A. [Name of Responsible Party] agrees to submit a written status report to ADEQ every thirty (30) calendar days beginning thirty (30) days from the effective date of this Consent Order, until termination of this Consent Order. Each written status report shall describe what measures have been taken under Section III, of this Consent Order, and shall certify when compliance with the requirements of Section III of this Order has been achieved. Each report shall be accompanied by evidence of compliance including, as appropriate, submittal of documents, photographs or copies of any other supporting information that [Name of Responsible Party] deems necessary.

B. ADEQ will review the status reports and relay any disputes in writing to [Name of Responsible Party]. [Name of Responsible Party] shall incorporate all required modifications, changes or other alterations, as requested by ADEQ, within a reasonable time specified by ADEQ.

V. CIVIL ADMINISTRATIVE PENALTY

A. [Name of Responsible Party] shall pay a civil administrative penalty to the State in the amount of [Narrative Amount] ($[Numeric Amount]) within [Number of Days] of the effective date of this Consent Order.

B. All payments made to the State under this Consent Order shall be by check made payable to "State of Arizona" and shall be delivered or mailed to:

Mr. Michel D. Clark, Chief Financial Officer
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, Arizona 85007-2935
Attention: Accounts Receivable

together with a letter tendering the check. The letter shall identify this Consent Order by the parties and docket number. A copy of the check shall also be sent to ADEQ pursuant to Section IX.

Initial _____

C. [Name of Responsible Party] shall pay interest and penalties on any amount not paid by the due date at the rate established pursuant to A.R.S. § 49-113. If [Name of Responsible Party] fails to pay the full amount of the civil administrative penalty as required by this Consent Order, ADEQ may terminate this Consent Order and take action to seek penalties for any and all violations covered by this Consent Order.

VI. COMPLIANCE WITH OTHER LAWS

A. This Consent Order does not encompass issues regarding releases, contamination, sources, operations, facilities or processes not expressly covered by the terms of this Consent Order, and is without prejudice to the rights of the State of Arizona or [Name of Responsible Party], arising under any federal or Arizona environmental statutes and rules with regard to such issues.

B. Nothing in this Consent Order shall constitute a permit of any kind, or a modification of any permit of any kind, or an agreement to issue a permit of any kind under federal, state or local law, or relieve [Name of Responsible Party] in any manner of [his/her/its] obligation to apply for, obtain, and comply with all applicable permits. Nothing in this Consent Order shall in any way alter, modify or revoke federal, state, or local law, or relieve [Name of Responsible Party] in any manner of [his/her/its] obligation to comply with such laws. Compliance with the terms of this Consent Order shall not be a defense to any action to enforce any such permits or laws.

VII. FORCE MAJEURE

A. [Name of Responsible Party] shall perform all the requirements of this Consent Order according to the time limits set forth herein, unless performance is prevented or delayed by events which constitute a *force majeure*. *Force majeure*, for the purposes of this Consent Order, is defined as any event, arising from causes beyond the control of [Name of Responsible Party] or its authorized representatives which delays or prevents the performance of any obligation under this Consent Order and which could not have been overcome or

Initial _____

prevented by [Name of Responsible Party]. The financial inability of [Name of Responsible Party] to comply with the terms of this Consent Order, shall not constitute a *force majeure*.

B. In the event of a *force majeure*, the time for performance of the activity affected by the *force majeure* shall be determined by ADEQ and extended for a period no longer than the delay caused by the *force majeure*. The time for performance of any activity dependent on the delayed activity shall be similarly extended. In the event of a *force majeure*, [Name of Responsible Party] shall notify ADEQ in writing within five (5) calendar days after [Name of Responsible Party] or [his/her/its] agents become aware of the occurrence. The written notice provided to ADEQ shall describe in detail the event, the anticipated delay, the measures taken and to be taken by [Name of Responsible Party] to prevent or minimize delay, and a proposed timetable under which those measures will be implemented. [Name of Responsible Party] shall take all reasonable measures to prevent or minimize any delay caused by the *force majeure*. Failure of [Name of Responsible Party] to comply with any requirements of this paragraph for a particular event, shall preclude [Name of Responsible Party] from asserting any claim of *force majeure* for that event.

VIII. SITE ACCESS

ADEQ may at any time, upon presentation of credentials to authorized personnel on duty, enter upon the premises at the Facility for the purpose of observing and monitoring compliance with the provisions of this Consent Order. This right of entry shall be in addition to, and not in limitation of or substitution for, ADEQ's rights under applicable law.

IX. CORRESPONDENCE

All documents, materials, plans, notices, or other items submitted as a result of this Consent Order shall be transmitted to the addresses specified below:

To ADEQ:

Arizona Department of Environmental Quality
Water Quality Division
Attention: [ADEQ Contact and Title]
1110 West Washington Street

Initial _____

Phoenix, Arizona 85007-2935
Telephone: [Telephone Number of ADEQ Contact]

To [Name of Responsible Party]:

[Name of Responsible Party or Designee]
[Address of Responsible Party or Designee]
[Telephone Number of Responsible Party or Designee]

Submissions to ADEQ as a result of this Consent Order shall be deemed submitted upon receipt.

X. RESERVATION OF RIGHTS

A. This Consent Order is based solely upon currently available information. If additional information is discovered, which indicates that the actions taken under this Consent Order are or will be inadequate to protect human health, safety, or the environment, or to conform with applicable federal or state laws, ADEQ shall have the right to require further action.

B. ADEQ shall have the right: to disapprove of work performed by [Name of Responsible Party] that fails to comply with this Consent Order; to take enforcement action for any and all violations of this Consent Order; and to take enforcement action for any and all violations of A.R.S. Title 49, or the rules promulgated thereunder, occurring after the entry of this Consent Order.

XI. SEVERABILITY

The provisions of this Consent Order are severable. If any provision of this Consent Order is declared by a court of law to be invalid or unenforceable, all other provisions of this Consent Order shall remain in full force and effect.

XII. RELEASE

Pursuant to A.R.S. § 49-354(G), upon payment of the full amount of the civil administrative penalty in Section V, [Name of Responsible Party] and [its/his/her] past, present, and future directors, officers, members, employees, agents, and successors and

Initial _____

assigns are released from any and all civil penalty liability to the State, for the violations covered by this Consent Order.

XIII. MODIFICATIONS

Any modifications of this Consent Order shall be in writing and must be approved by both [Name of Responsible Party] and ADEQ.

XIV. EFFECTIVE DATE

The effective date of this Consent Order shall be the date this Consent Order is signed by ADEQ and [Name of Responsible Party]. If such signatures occur on different dates, the later date shall be the effective date of this Consent Order.

XV. PARTIES BOUND

No change in ownership, corporate status, or partnership status relating to the subject of this Consent Order will in any way alter the responsibilities of [Name of Responsible Party] under this Consent Order. [Name of Responsible Party] will be responsible, and will remain responsible, for carrying out all activities required under this Consent Order.

XVI. TERMINATION

The provisions of this Consent Order shall be deemed satisfied and this Consent Order shall be terminated upon receipt of written notification from ADEQ that [Name of Responsible Party] has demonstrated, to the satisfaction of ADEQ, that all of the terms of this Consent Order have been completed. Any denial of a request for termination from [Name of Responsible Party] will be in writing and describe which terms of the Consent Order have not been completed to the satisfaction of ADEQ. ADEQ reserves the right to terminate this Consent Order unilaterally at any time for any reason. Any termination will include a written explanation of the reason(s) for termination.

Initial _____

ISSUED this ___ day of _____ , 200_.

_____
[Name of Division Director], Director
Water Quality Division
Arizona Department of Environmental Quality

CONSENT TO ORDER

The undersigned, on behalf of [Name of Responsible Party/Facilty], hereby acknowledges that [he/she] has read the foregoing Consent Order in its entirety, agrees with the statements made therein, consents to its entry and issuance by the Arizona Department of Environmental Quality, agrees that [Name of Responsible Party] will abide by the same and waive any right to appeal therefrom.

DATED this ___ day of _____ , 200_.

_____

[Signatory for Responsible Party]
[Title of Signatory]

ORIGINAL of the foregoing Consent Order was filed this ___ day of _____ , 200_, with:

[Hearing Administrator], Hearing Administrator
Office of Special Counsel
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, Arizona 85007-2935

COPY of the foregoing Consent Order was sent certified mail, return receipt requested, this ___ day of _____, 200_, to:

[Name of Responsible Party]
[Address of Responsible Party]

COPIES of the foregoing Consent Order were sent by regular/interdepartmental mail, this ____ day of _____, 200_, to the following:

[Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

[Chief Financial Officer, ADEQ]

[Program Manager(s), ADEQ]

[County Health Department]

[Environmental Protection Agency]

APPENDIX B36

[ADEQ Letterhead]

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]
Attention: [Attention]
[Address]
[City, State, Zip]

Subject: [Facility Name], [Facility Identification Number]
[Address or other location information]

NOTICE OF ENVIRONMENTAL NUISANCE

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that [Facility owner/Facility operator] as the owner/operator of [Facility name], is creating or maintaining a condition in the soil, air or water that causes or threatens to cause harm to the public health or environment. ADEQ discovered the alleged environmental nuisance described below during an inspection of the facility conducted on [date].

I. NATURE OF ALLEGED ENVIRONMENTAL NUISANCE

1. **[A.R.S. § 49-141(A)(1)-(9)]**
   [Brief Statutory Description of Nuisance Condition]

   [Factual Description of Nuisance Condition(s)]

II. DOCUMENTING ABATEMENT OF NUISANCE

1. Within [Number less than 120] calendar days of receipt of this Notice, please submit [Detailed description of how the facility must either: 1) document that there has never been an environmental nuisance; or 2) document that there is no longer an environmental nuisance. Appropriate documentation includes: invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish the absence of an environmental nuisance.]

III. SUBMITTING DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

Arizona Department of Environmental Quality
Attention: [ADEQ Contact Name]
[Unit]
[Contact Address]

IV. STATEMENT OF CONSEQUENCES

1. The time frames within this Notice for abating and documenting abatement are firm limits. Failure to abate or document abatement within the time frames established in this Notice will result in an abatement order requiring abatement of the environmental nuisance. ADEQ will agree to extend the time frames only in a compliance schedule negotiated in the context of an administrative consent order.

2. Achieving compliance does not preclude ADEQ from seeking civil penalties, costs and/or suspending or revoking an applicable permit/license for the conditions alleged in this Notice as allowed by law.

V. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact [ADEQ Contact Name] at [ADEQ Contact Phone Number].

_____	_____
[ADEQ Unit Manager], Manager	[ADEQ Contact]
[Unit]	[Unit]

APPENDIX B37

To be included in the cover letter to a Notice of Environmental Nuisance:

This letter constitutes the monthly update on the status of Arizona Department of Environmental Quality ("ADEQ") action resulting from ADEQ's inspection of the above-referenced site on [Inspection Date], as required by A.R.S. § 41-1009(H).

The attached Notice of Environmental Nuisance ("NEN") is an informal compliance assurance tool used by the Arizona Department of Environmental Quality ("ADEQ") to put a responsible party (such as a facility owner or operator) on notice that the Department believes an environmental nuisance condition exists. It describes the facts known to ADEQ at the time of issuance and provides the responsible party an opportunity to abate the nuisance prior to ADEQ's taking formal action.

Although ADEQ has the authority to issue appealable administrative orders requiring abatement of the nuisance, an NEN has no such force or effect. Rather, an NEN provides the responsible party an opportunity to do any of the following before ADEQ takes formal action: (1) meet with ADEQ and discuss the facts surrounding the nuisance, (2) demonstrate to ADEQ that no nuisance exists, or (3) document that the nuisance has been abated.

ADEQ reserves the right to take a formal enforcement action, such as issuing an administrative order or filing a civil lawsuit, regardless of whether the Department has issued an NEN. Should ADEQ choose to issue an administrative order requiring abatement and the responsible party fails or refuses to abate the nuisance, ADEQ may abate the nuisance at the department's expense and be entitled to recover its reasonable costs from the responsible party. Neither ADEQ's issuance of an NEN nor its failure to do so precludes the Department from pursuing these remedies. However, the timeliness of a complete response to this notice will be considered by ADEQ in determining if and how to pursue such remedies.

APPENDIX B38

[ADEQ Letterhead]

[Date] Case ID #:[Case ID #]

[Facility Owner/Facility Operator]
Attention: [Attention First Name] [Attention Last Name]
[Address]
[City, State, Zip]

Subject: Closure of the [NEN Issue Date] Notice of Environmental Nuisance

Dear [Prefix] [Attention Last Name]:

The Arizona Department of Environmental Quality (ADEQ), has closed the Notice of Environmental Nuisance (NEN) issued to [Facility Owner/Facility Operator] on [NEN Issue Date]. ADEQ has closed the NEN based upon its determination that [Facility Owner/Facility Operator] has met the *Documenting Abatement of Nuisance* provisions of the NEN.

ADEQ will not proceed with further action at this time. However, if additional information regarding the environmental nuisance is discovered, or if further violations occur, ADEQ may reconsider its position and take additional action as appropriate and as allowed by law.

Thank you for your efforts to comply with the Arizona's environmental requirements. Should you have any comments or questions regarding this matter, please do not hesitate to contact me at [ADEQ Unit Manager Phone Number].

Sincerely,

_____
ADEQ Unit Manager], Manager
[Unit]

cc: [cc list]

APPENDIX B39

ENFORCEMENT ACTION/SETTLEMENT APPROVAL

	TO	ACTION	SIGNATURE	DATE
1	[Division or Regional Director]	Approval		
2	Henry R. Darwin, Enforcement Coordinator	Policy Review		
3	Patrick Cunningham, Deputy Director	Approval		
4	Stephen A. Owens, Director	Approval		

INITIATOR:	SUBJECT:	TYPE: ____ New Action ____ Settlement	DATE:

FACTUAL AND PROCEDURAL BACKGROUND:

SUMMARY OF ACTION/SETTLEMENT RECOMMENDED:

ATTACHMENTS:

APPENDIX G1

CONSENT ORDER NEGOTIATION GUIDELINES

Prepared
By

Arizona Department of Environmental Quality
Office of Special Counsel

Revised: August 7, 2001

Introduction

These guidelines describe the administrative enforcement process used by the Arizona Department of Environmental Quality (ADEQ), including the use of administrative Consent Orders to amicably resolve significant noncompliance. These guidelines are intended to establish reasonable expectations as well, and will be the basis for all Consent Orders entered by ADEQ. As a result, ADEQ highly recommends reviewing this document in detail before the initiation of Consent Order negotiations with ADEQ.

ADEQ's Administrative Enforcement Process

ADEQ will usually initiate the enforcement process by issuing an informal Notice of Opportunity to Correct (NOC) or Notice of Violation (NOV) to a responsible party (usually the owner or operator) describing the alleged violations and affording the responsible party an opportunity either to refute the allegations or to demonstrate to ADEQ that the violations have been corrected. The decision whether to issue an NOC or NOV is based upon the factors listed in A.R.S. § 41-1009(H).[1] While an NOC affords the responsible party an opportunity to correct minor violations without further enforcement, resolving a violation after receipt of an NOV does not preclude ADEQ from seeking civil penalties for the underlying violations. The deadlines for demonstrating compliance within an NOV are firm limits and extensions will not be granted outside the context of a Consent Order. If, for any reason, compliance documentation cannot be submitted within the time frames stated within an the NOV, ADEQ will attempt to negotiate a Consent Order with the responsible party to achieve mutually agreeable time frames for achieving compliance. If attempts to negotiate are unsuccessful and the violations still exist, ADEQ will either issue a unilateral administrative order requiring compliance within a reasonable amount of time or refer the case to the Arizona Attorney General's Office for the filing of a civil compliant which may seek civil penalties.

ADEQ has the statutory authority to issue administrative orders for violations of: 1) ADEQ issued permits; 2) Title 18 of the Arizona Administrative Code (A.A.C.); and 3) Title 49 of the Arizona Revised Statutes (A.R.S.).[2] There are two types of administrative orders that may be executed by ADEQ: bilateral and unilateral. A bilateral administrative order, otherwise known as a "Consent Order" is issued with the complete written agreement of the responsible party and ADEQ. A Consent Order benefits both the responsible party and ADEQ in that the responsible party has the opportunity to provide input into the terms of the order while ADEQ gets the responsible party's waiver of its right to appeal.

---

[1] These factors include whether the violation: 1) was committed intentionally; 2) is correctable within a reasonable period of time as determined by the agency; 3) represents evidence of a pattern of noncompliance; or 4) poses a risk to any person, the public health, safety or welfare or the environment.

[2] *See* A.R.S. §§ 49-261, 49-334, 49-354, 49-461, 49-781, 49-812, 49-862, 49-923, 49-964, and 49-1013.

A "Compliance Order" or “Abatement Order”, on the other hand, is an administrative order issued unilaterally by ADEQ without input from the responsible party. The responsible party does not have an opportunity to comment on the requirements of a compliance order. To challenge a compliance order, the responsible party must submit a request for an appeal before an administrative law judge. If an appeal is not requested, a Compliance Order becomes effective and enforceable in superior court 30 days after it is issued by ADEQ. If a hearing is requested it will be held before Arizona’s Office of Administrative Hearings (OAH). Following the hearing, ADEQ will review the recommended decision from the OAH administrative law judge and issue a final decision to validate, invalidate or modify the original Order. Once final, the Order becomes effective and enforceable in civil court. Violation of an effective Order may result in significant civil penalties.

Consent Order Negotiation Time Frames

Although ADEQ has a strong preference for negotiating administrative orders over issuing them unilaterally, it will engage in negotiations for only a limited time before resorting to the issuance of a Compliance Order. There are two reasons for limiting the amount of time ADEQ is willing to devote to negotiations. First, ADEQ has under most circumstances already allowed the responsible party a reasonable amount of time to resolve a violation informally during the NOV process. Allowing a significant amount of additional time to achieve compliance is not in the best interest of the integrity of ADEQ’s enforcement process or its duty to protect human health and the environment. The second reason for limiting the amount of time ADEQ is willing to devote to Consent Order negotiations is ADEQ’s general commitment to a timely and appropriate response for all significant violations of environmental law. In order to fulfill this commitment, ADEQ must limit the amount of time and resources it is willing to spend on a single enforcement action.

As a result, ADEQ is willing to spend 45 days negotiating the terms of a Consent Order. If a mutually acceptable agreement can not be reached within 45 days of the initiation of negotiations, ADEQ will issue a unilateral Compliance Order requiring compliance. The fact that negotiations were unsuccessful will not impact the responsible party’s right to a formal administrative appeal of such an order. The 45-day negotiation period may be extended for an additional 15 days, though, if ADEQ decides that the preceding negotiations have been productive and that the additional time will result in a mutually acceptable agreement.

Typical Consent Order Provisions

In an attempt to streamline the negotiation process, ADEQ has developed boilerplate (attached) that is the basis for all Consent Orders negotiated by the Department. In an attempt to avoid unnecessary posturing during the negotiation process, ADEQ has included in its boilerplate various provisions that benefit a responsible party. Although there are a great number of additional provisions that could be included to benefit a responsible party, the provisions in the attached boilerplate are those that ADEQ has already agreed upon through the years (at the

request of various responsible parties) and represent ADEQ's final negotiation position on these issues.

A typical Consent Order contains the following elements

- Recitals
  These provisions include the name of the responsible party, the facility, the signatory to the agreement, along with a statement that the responsible party agrees not to appeal the order.
- Jurisdiction (Section I)
  This provision states the statutory authority for ADEQ to enter into the Consent Order.
- Findings (Section II)
  These provisions describe the facts that lead to the alleged violations of law that are the basis for the Consent Order.
- Compliance Schedule (Section III)
  This is the "meat" of the Consent Order. It is here where ADEQ and the responsible party agree to the corrective actions that will be taken and the time frames in which they need to be done.
- Other Provisions (Sections IV+)
  These provisions include: a requirement to submit status reports, consequences of violating the agreement, a description of the limits of coverage, a description of events that will excuse violation of the agreement, ADEQ's right to inspect the facility, where to submit documents, a reservation of legal rights, the severability of provisions, how to modify the agreement, the effective date of the agreement, who is bound by the agreement, and how the order will terminate.

Negotiable Aspects of a Consent Order

Simply put, there are provisions within a Consent Order that are subject to negotiation and provisions that are not. ADEQ may deviate from these guidelines and modify "non-negotiable" provisions only due to extenuating circumstances and upon prior approval from the Office of Special Counsel. The process of obtaining approval from the Office of Special Counsel will prolong the negotiation process, which could jeopardize the 45-day deadline for negotiations. As a result, ADEQ will resist extensive discussions about modifying traditionally "non-negotiable" provisions.

Except for corrections regarding proper identification of the owner, operator, or facility, the provisions within the "Recitals" and "Jurisdiction" are non-negotiable. The responsible party may propose alternate language within the "Findings of Fact" so long as the language is representative of the facts that are the basis for the alleged violations. It is not the purpose of this section, though, to summarize all correspondence and events that have occurred during the enforcement process. Any proposed findings of fact that ADEQ determines to be irrelevant or inaccurate will be rejected. Except for technical corrections in the legal citations used, the

“Conclusions of Law” made by ADEQ are non-negotiable. The “Other Provisions” are also non-negotiable as they represent ADEQ’s final position on the issues as established through years of negotiating Consent Orders.

The section within the Consent Order that will be the main focus of negotiations is the “Compliance Schedule.” To ensure that the Consent Order will be signed prior to the 45-day deadline, the responsible party should propose time frames to achieve compliance as early in the negotiation process as possible. So long as there is no immediate risk of harm to human health or the environment, ADEQ will provide considerable flexibility in establishing time frames for compliance. However, the owner and operator may be asked to provide a written justification for time frames considered exceptional under the circumstances. Although the time frames for completing corrective actions are negotiable, the requirement that compliance be achieved is not.

Unacceptable Consent Order Provisions

Although ADEQ is willing to consider any and all modifications proposed during the negotiation process, suggested changes to the attached boilerplate will be subject to a great deal of scrutiny. Although not intended as an exhaustive list, the following provisions have been proposed by responsible parties in the past and are considered unacceptable to ADEQ:

1. A "dispute resolution" clause or any such language that creates an administrative process for contesting ADEQ determinations. ADEQ is committed to resolving disputes regarding interpretations of Consent Orders in a fair and consistent manner. However, ADEQ reserves the right to make determinations regarding a person's compliance with a Consent Order, and will not constrain itself to a process where any dispute, regardless of its merit, must be formally addressed. To enforce the terms of an order, ADEQ must bring an action in court alleging a violation of the order. As a result, a court will ultimately decide any disputes arising under the Consent Order.
2. Any time constraint placed on ADEQ which is not already specified in statute or rule.
3. Any language that requires the responsible party and ADEQ to "mutually agree" on a deadline that is not specifically stated within the order, or on what constitutes the successful completion of a requirement The owner and operator may propose a schedule for the implementation of a work plan or corrective action plan; however, unless such schedules are formally agreed upon within the order, ADEQ will determine what is reasonable.
4. Any language that releases the responsible party from civil or criminal liability. Because the only benefit ADEQ receives from a Consent Order is a waiver of the responsible party’s right to appeal the order, the only benefit the responsible party will get out of the order is input into the drafting of the order.[3] ADEQ reserves the right to seek civil

[3]The only possible exception to this general prohibition would be if the responsible party is paying a civil administrative penalty as part of the Consent Order.

penalties and/or injunctive relief, for not only the violations that occur subsequent to the entry of the Consent Order, but also for the violations that lead to the Consent Order in the first place. ADEQ is willing to consider a release from civil liability, but only in the context of a Consent Judgement with civil penalties. ADEQ does not have the authority to release a party from criminal liability.

Consent Order Negotiation Process

Once ADEQ and the responsible party have agreed to initiate negotiations of a Consent Order, ADEQ will send the responsible party a draft Consent Order based upon the attached boilerplate. Although the responsible party may request a face-to-face meeting or teleconference at any point during the negotiation process, the responsible party must ultimately make all suggested changes in writing, either by marking the draft Consent Order, or submitting a "redline-strikeout" version of the draft order. Any suggested changes that are both reasonable and consistent with this guidance will be incorporated into the final Consent Order. To be afforded due consideration, all proposed changes to the order must be submitted to the ADEQ at least ten days prior to the expiration of the 45-day Consent Order negotiation period.

If negotiations reach an impasse, ADEQ will terminate further negotiations and issue a unilateral Compliance Order with what it considers to be reasonable requirements and deadlines. So long as negotiations proceed in a timely and good faith manner, though, and no deliberate attempts by the responsible party are made to delay or otherwise undermine the integrity of the negotiations process, ADEQ will continue negotiations up to the 45-day deadline.

Once finalized, the Consent Order will be sent to the responsible party for signature. The signed order must be returned to ADEQ for signature and execution by the appropriate ADEQ Division Director. The responsible party and any other parties identified on the distribution list, will be sent a copy of the consent order shortly thereafter. Once an administrative order becomes final, it has the same effect as statute or rule in that a violation of the order is subject to the same civil penalties as a violation of statute or rule.[4] As a result, violation of a either a unilateral Compliance Order or bilateral Consent Order could result in significant civil penalties.

[4] *See* A.R.S. §§ 49-262, 49-463, 49-783, 49-861, 49-924, and 49-1013

APPENDIX G2

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
INTEROFFICE MEMORANDUM

DATE: December 26, 2000

TO: Hazardous Waste Section Compliance and Enforcement Staff

FROM: David Esposito, Director
Waste Programs Division

Henry Darwin, Enforcement and Rulemaking Coordinator
Waste Programs Division

SUBJECT: **Administrative Civil Penalty Orders**

Pursuant to A.R.S. § 49-923(A), ADEQ may issue an administrative Compliance Order if it has reasonable cause to believe that a person is violating the Arizona Hazardous Waste Management Act (AHWMA) or any rule or permit adopted or issued pursuant to the AHWMA. Pursuant to A.R.S. § 49-923(B), ADEQ may also issue an administrative order assessing a civil penalty of not more than $1,000 per day for each day of continued non-compliance with a AHWMA Compliance Order. Although A.R.S. § 49-923(B) establishes a maximum penalty that may be imposed, it does not otherwise provide guidance on how to calculate such a penalty. The purpose of this memorandum is to establish a fair and consistent methodology for the assessment of civil penalties through the issuance of administrative Civil Penalty Orders for violations of Compliance Orders and Consent Orders issued by the Waste Programs Division (WPD) pursuant to the AHWMA.

ADEQ will assess a civil penalty for non-compliance with a Compliance Order issued for violations of the AHWMA based upon either: 1) A prior agreement with the violator (i.e., a Consent Order with stipulated penalties); or 2) Consideration of the seriousness of the violation, good faith efforts, economic benefit, and ability to pay. The penalties to be assessed for non-compliance with a Compliance Order issued with the consent of the violator (a.k.a., a Consent Order) will be equal to the stipulated penalty provisions within the Consent Order. Because these penalties have already been negotiated and agreed upon by the violator, the WPD will make no further considerations before issuing an administrative Civil Penalty Order.

When assessing a civil penalty for non-compliance with a unilateral Compliance Order or a Consent Order without a stipulated penalty provision, The WPD will consider: 1) The seriousness of the violation; 2) Any good faith efforts by the violator to comply with the Order; 3) The economic benefit gained by the violator through non-compliance with the Order; and 4)

The violator's ability to pay the penalty. The first two considerations are the same required of ADEQ when issuing a Compliance Order under the AHWMA and of EPA when it imposes administrative penalties under RCRA (including administrative penalties for non-compliance with EPA issued administrative orders). *See* A.R.S. § 49-923(A) *and* Section 3008(a)(3) of RCRA (42 U.S.C. § 6928(a)(3)). As a result, implementation of these two considerations, as outlined in this memorandum, is primarily based upon EPA's RCRA penalty policy (which has been adopted by ADEQ). As for the remaining two considerations, ADEQ will normally assess a civil penalty that is at least equal to the economic benefit the violator gained through non-compliance (so long as it does not exceed the statutory maximum), but will not impose a penalty that is greater than the amount the violator has demonstrated an ability to pay.

This memo is not a final agency action, but intended solely as guidance. It is not intended, nor can it be relied upon, to create any rights enforceable by any party in litigation with the State of Arizona. Although intended to provide consistency, nothing in this memo is intended to limit the enforcement discretion of ADEQ.

PROCEDURES

1. Immediately upon discovery of a violation of a Compliance Order or Consent Order issued for violation(s) of the AHWMA, the Hazardous Waste Inspections and Compliance Unit (HWICU) will issue a Notice of Violation (NOV) to the violator.

2. Once the violator has adequately documented compliance, the HWICU will calculate the civil penalty to be assessed via a Civil Penalty Order.

3. If the violation is of a Consent Order with a stipulated penalty provision, the civil penalty to be assessed will be equal to the maximum amount allowed by the Consent Order.

4. If the violation is of a unilateral Compliance Order or a Consent Order without a stipulated penalty provision, the civil penalty to be assessed will be calculated as follows:

   Step 1: <u>Calculate the Maximum Civil Penalty</u>

   The Maximum Civil Penalty is the total number of days of non-compliance with the Order multiplied by $1,000.

   Step 2: <u>Identify the Most Egregious Violation for Each Day of Non-Compliance</u>

   Step 3: <u>Calculate the Seriousness of Violation Reduction Factor</u>

   The seriousness of the violation may result in up to a 50% reduction in the penalty to be assessed. In general, seriousness will be evaluated by the degree of deviation from the requirement and the degree of potential (or actual) harm to human health or the environment. Those violations found to be less serious are subject to a greater reduction in penalty. The following seriousness factors will be used in determining an appropriate Seriousness of Violation Reduction Factor for each of the most egregious violations identified in Step 2:

a) Risk of human or environmental exposure to hazardous waste and/or hazardous constituents created by non-compliance with the corrective action requirements of the Order;

b) The adverse effect non-compliance may have had on statutory or regulatory purposes or procedures for implementing the RCRA program; and

c) The extent of deviation from the corrective action required by the Order.

Step 4: Calculate the Good Faith Efforts Reduction Factor

Good faith efforts by the violator to avoid non-compliance with the Order may result in up to a 50% reduction in the penalty to be assessed. In general, good faith efforts will be evaluated by the violator's degree of culpability associated with violation of the Order. Those violators less culpable will be subject to a greater reduction in penalty. The following factors will be considered in determining an appropriate Good Faith Efforts Reduction Factor for each of the most egregious violations identified in Step 2:

a) The degree of control the violator had over the events constituting violation of the Order;

b) The foreseeability of the events constituting violation of the Order; and

c) Whether the violator took reasonable precautions against the events constituting violation of the Order.

Step 5: Determine the Total Civil Penalty Adjustment

The Civil Penalty Adjustment for each category of most egregious violation is equal to the sum of the Seriousness of Violation Reduction Factor and the Good Faith Efforts Reduction Factor multiplied by $1,000 and the number of days for each category of most egregious violation. The Total Civil Penalty Adjustment is equal to the sum of the Civil Penalty Adjustments for each type of most egregious violation.

Step 6: Determine the Adjusted Civil Penalty

The Adjusted Civil Penalty is equal to the Total Civil Penalty Adjustment subtracted from the Maximum Civil Penalty.

Step 7: Compare the Adjusted Civil Penalty with Economic Benefit

Economic benefit will be determined using EPA's BEN model or other appropriate means. The civil penalty to be assessed will be the greater of the economic benefit or the Adjusted Civil Penalty. If the economic benefit is greater than the Maximum Civil Penalty, the civil penalty to be assessed will be equal to the Maximum Civil Penalty.

Step 8: Evaluate the Violator's Ability to Pay

If the violator has claimed an inability to pay a civil penalty, the civil penalty to be assessed may be further reduced provided:

a) The violator provides the necessary information for evaluating the violator's claim (e.g., federal income tax returns); and

b) The inability to pay claim is determined to legitimate through use of EPA's ABEL model or other appropriate means.

5. Once the HWICU has determined the civil penalty to be assessed, a draft Civil Penalty Order and a Request for Assignment of an Assistant Attorney General memorandum will be sent to the Arizona Attorney General's Office. The Request for Assignment of an Assistant Attorney General memorandum will include a brief explanation of the circumstances of the case along with the calculations made pursuant to the applicable Consent Order and/or this memorandum. The draft Civil Penalty Order and the Request for Assignment of an Assistant Attorney General memorandum will be routed from the HWICU Manager, through the Hazardous Waste Section Manager, the WPD Director's Office, and the Office of Administrative Counsel to the Department Director for signature. A Case Development Memorandum (CDM) will not be required.

6. After consultation with the Attorney General's Office, the administrative Civil Penalty Order will be routed through the HWICU Manager, and the Hazardous Waste Section Manager to the WPD Director's Office for signature.

EXAMPLE

ADEQ issued a Compliance Order for violations of the Arizona Hazardous Waste Management Act on January 1, 2000, which was not appealed. Pursuant to the Compliance Order, the violator was required to:

1) Remediate a release of hazardous waste to the soil by February 1, 2000.
2) Submit to ADEQ documentation of the remediation by March 1, 2000.
3) Perform a waste determination of a 55 gallon drum containing an unknown solid waste by January 15, 2000.
4) Submit to ADEQ documentation that a hazardous waste determination had been conducted on the 55 gallon drum of solid waste by February 15, 2000.

As of February 15, 2000, ADEQ received nothing from the violator. As a result, on February 16, 2000, ADEQ issued the violator a Notice of Violation for the failure to submit documentation of the waste determination as required by the Compliance Order. As of March 1, 2000, ADEQ still had not received anything from the violator. As a result, on March 2, 2000, ADEQ issued the violator a second Notice of Violation, this time for the failure to submit documentation of the remediation. In the cover letter to the second NOV, ADEQ reminded the violator that ADEQ still had not received the documentation of the waste determination as required by the Compliance Order and as noted in the February 16, 2000, NOV.

Finally, on March 20, 2000, the violator submitted to ADEQ:

1) A consultant report documenting that the spill was properly cleaned up on February 18, 2000 and;
2) A laboratory report indicating that the 55 gallon drum in question was characterized on January 18, 2000, and was found not to be a hazardous waste.

When asked about the reason for the delays, the violator merely explained that the facility had been very busy with an unexpected increase in production and that they did not have the time to perform the waste determination. As for the remediation, the violator was able to document that the delays were caused by a legitimate issue with the contractor hired to perform the remediation and that the resulting delay most likely could not have been avoided.

Civil Penalty Analysis

Step 1: Calculate the Maximum Civil Penalty

Compliance Order Requirement	Days of Non-Compliance
Remediate the release of hazardous waste to the soil by February 1, 2000	17 Days (2/1/00 - 2/18/00)
Submit to ADEQ documentation of the remediation by March 1, 2000	19 Days (3/1/00 - 3/20/00)
Perform a waste determination of the 55 gallon drum containing an unknown solid waste by January 15, 2000	3 Days (1/15/00 - 1/18/00)
Submit to ADEQ documentation that a hazardous waste determination had been conducted on the 55 gallon drum of solid waste by February 15, 2000	34 Days (2/15/00 - 3/20/00)
TOTAL NUMBER OF DAYS OF VIOLATION	51 Days (1/15/00 - 1/18/00 and 2/1/00 - 3/20/00)

Maximum Civil Penalty = 51 Days x ($1,000/day) = **$51,000**

Step 2: Identify the Most Egregious Violation for Each Day of Non-Compliance

Period of Violation	Most Egregious Violation
1/15/00 - 1/18/00 (3 days)	Failure to perform a hazardous waste determination for the 55 gallon drum containing an unknown solid waste
2/1/00 - 2/18/00 (17 days)	Failure to remediate the release of hazardous waste to the soil
2/18/00 - 3/1/00 (12 days)	Failure to submit to ADEQ documentation of the hazardous waste determination
3/1/00 - 3/20/00 (19 days)	Failure to submit to ADEQ documentation of the remediation

Step 3: Calculate Seriousness of Violation Reduction Factor

Most Egregious Violation	Seriousness of Violation Reduction Factor
Failure to perform a hazardous waste determination for the 55 gallon drum containing an unknown solid waste	10%
Failure to remediate the release of hazardous waste to the soil	5%
Failure to submit to ADEQ documentation of the hazardous waste determination	45%
Failure to submit to ADEQ documentation of the remediation	40%

Step 4: Calculate the Good Faith Efforts Reduction Factor

Most Egregious Violation	Good Faith Efforts Reduction Factor
Failure to perform a hazardous waste determination for the 55 gallon drum containing an unknown solid waste	0%
Failure to remediate the release of hazardous waste to the soil.	40%
Failure to submit to ADEQ documentation of the hazardous waste determination	0%
Failure to submit to ADEQ documentation of the remediation	40%

Step 5: Determine the Civil Penalty Adjustment

Period of Violation	Most Egregious Violation
1/15/00 - 1/18/00 (3 days)	(10% + 0%) x 3 days x $1,000/day = $300
2/1/00 - 2/18/00 (17 days)	(5% + 40%) x 17 days x $1,000/day = $7,650
2/18/00 - 3/1/00 (12 days)	(45% +0%) x 12 days x $1,000/day = $5,400
3/1/00 - 3/20/00 (19 days)	(40% + 40%) x 19 days x $1,000/day = $15,200

TOTAL PENALTY ADJUSTMENT	$28,550

Step 6: Determine the Adjusted Civil Penalty

Adjusted Civil Penalty = Maximum Civil Penalty - Total Civil Penalty Adjustment
= $51,000 - $28,550 = **$22,450**

Step 7: Compare the Adjusted Civil Penalty with Economic Benefit

The economic benefit the violator gained through violation of the Compliance Order was minimal and therefore below $22,450. As a result, the civil penalty to be assessed remained at $22,450.

Step 8: Evaluate the Violator's Ability to Pay

Because the violator did not demonstrate an inability to pay, the civil penalty to be assessed in the Civil Penalty Order was $22,450.

APPENDIX G3

ADDENDUM TO THE *CONSENT ORDER NEGOTIATION GUIDELINES* UNDERGROUND STORAGE TANK CORRECTIVE ACTIONS

Introduction

Due to certain rules and statutes that are unique to the regulation of leaking underground storage tank sites, Consent Orders administered by the Arizona Department of Environmental Quality (ADEQ) Underground Storage Tank Corrective Action (USTCA) Section typically contain provisions that are not normally contained within Consent Orders administered by other ADEQ programs. This addendum to the *Consent Order Negotiation Guidelines* provides further guidance regarding these provisions. ADEQ strongly recommends reviewing this addendum, in conjunction with the *Consent Order Negotiation Guidelines*, before the initiation of Consent Order negotiations with the ADEQ USTCA Section.

Status Reports

Consent Orders entered by ADEQ typically contain a provision requiring the responsible party to submit a written status report to ADEQ every thirty calendar days from the effective date of the Consent Order. However, Consent Orders administered by the USTCA Section do not typically contain such a provision. Instead, the requirement to submit such reports is built into site characterization work plan and corrective action plan schedules that are submitted and approved pursuant to the Consent Order's compliance schedule. ADEQ then monitors the UST owner and/or operator's compliance with the approved work plan or correction action plan schedule.

State Assurance Fund

Pursuant to Arizona Revised Statutes (A.R.S.) § 49-1053(C), an owner or operator may not elect the State Assurance Fund (SAF) preapproval process if the corrective action costs included in the application for coverage pertain to a site that is the subject of an order issued pursuant to A.R.S. § 49-1013 or if the owner or operator has formally consented in writing to an administrative order. In addition, pursuant to Arizona Administrative Code R18-12-607.01(C)(4), the SAF pre-approval rules shall not apply to corrective action expenses incurred under a Consent Order. However, an SAF applicant who enters into a Consent Order remains eligible for SAF reimbursement coverage, provided that the applicant is in compliance with the order. SAF eligibility does not guarantee reimbursement, and consequently, the SAF provisions have no relevance to the completion of corrective actions. Any reference to the SAF in the Consent Order, which attempts to make the completion of the required corrective actions contingent on SAF reimbursement, is prohibited.

Reservation of Rights

As with all Consent Orders entered by ADEQ, failure to comply with a Consent Order administered by the USTCA Section may subject the responsible party to further enforcement action. In addition, if a UST owner and/or operator fails to comply with a Consent Order administered by the USTCA Section, the ADEQ director may take corrective action with respect to the UST release(s), and recover from the responsible party the costs incurred for conducting the corrective action pursuant to Arizona Revised Statutes (A.R.S.) § 49-1017.

APPENDIX L1

AIR QUALITY MAJOR VIOLATIONS

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-302(A)	Failure to obtain an air quality permit or air quality permit revision from ADEQ prior to commencement of construction of a source subject to regulation.
A.A.C. R18-2-302(A)	Failure to obtain a permit or permit revision from ADEQ prior to operating a source subject to regulation.
A.A.C. R18-2-302(A)	Failure to obtain a permit revision from ADEQ prior to making a modification to a source subject to regulation.
A.A.C. R18-2-302(D)	Construction or reconstruction of a major source of hazardous air pollutants prior to obtaining an ADEQ determination that the Maximum Achievable Control Technology has been met.
A.A.C. R18-2-303(C)	Failure to submit a Class II permit application to ADEQ within 180 days of receipt of written notification from ADEQ.
A.A.C. R18-2-304(C)(2)	Failure to submit an application to ADEQ at least 6 months prior to expiration of a permit.
A.A.C. R18-2-304(C)(4)	Failure to submit a timely application to ADEQ for a permit revision on an existing source within 12 months after the source has become subject to a new standard promulgated pursuant to section 112(d) of the Clean Air Act.
A.A.C. R18-2-310.01(A)(1)	Failure to notify ADEQ by telephone or facsimile of air emissions in excess of an applicable emission limitation within 24 hours of learning of the occurrence.
A.A.C. R18-2-310.01(A)(2)	Failure to provide ADEQ with a detailed written notification of air emissions in excess of an applicable emission limitation within 72 hours of telephonic notification.
A.A.C. R18-2-310.01(B)(1)	Failure to include the identity of each stack or other emission point where the excess emissions occurred in an excess emission report submitted to ADEQ.
A.A.C. R18-2-310.01(B)(2)	Failure to include the magnitude of the excess emissions (expressed in the units of the applicable emission limitation), and the operating data and calculations used in determining the magnitude of the excess emissions in an excess emission report submitted to ADEQ.
A.A.C. R18-2-310.01(B)(3)	Failure to include the time and duration (or expected duration) of an excess emissions in an excess emission report submitted to ADEQ.
A.A.C. R18-2-310.01(B)(4)	Failure to include the identity of the equipment from which the excess emissions emanated in an excess emission report submitted to ADEQ.
A.A.C. R18-2-310.01(B)(5)	Failure to include the nature and cause of such emissions in an excess emission report submitted to ADEQ.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-310.01(B)(6)	Failure to include the steps taken to remedy the malfunction, and the steps taken or planned to prevent the recurrence of such malfunctions in an excess emission report submitted to ADEQ.
A.A.C. R18-2-310.01(B)(7)	Failure to include the steps taken to limit the excess emissions in an excess emission report submitted to ADEQ.
A.A.C. R18-2-310.01(B)(8)	Failure to include a list of steps taken to comply with permit procedures governing source operation during startup or malfunction, and the excess emissions that resulted in an excess emission report submitted to ADEQ.
A.A.C. R18-2-310.01(C)	For continuous or recurring excess emissions, failure to notify ADEQ after excess emissions are first detected, and/or to provide an estimate of the time the excess emissions will continue; or failure to provide additional notification to ADEQ if excess emissions occur after the estimated time period ends or if changes in the nature of the emissions occur from those originally reported.
A.A.C. R18-2-311(A)	Failure to use applicable performance testing methods or procedures as specified within the Arizona Testing Manual or the applicable Appendices of 40 CFR Part 52, 40 CFR Part 60, or 40 CFR Part 61, in order to determine compliance with air quality permit requirements or emissions standards.
A.A.C. R18-2-312(A)	Failure to conduct a performance test by the required date.
A.A.C. R18-2-312(A)	Failure to furnish written reports of the results of required performance tests to ADEQ.
A.A.C. R18-2-312(B)	Failure to conduct a performance test in accordance with the test method and procedures contained in the Arizona Testing Manual.
A.A.C. R18-2-312(B)	Failure to reduce data in accordance with the test method and procedures contained in the Arizona Testing Manual.
A.A.C. R18-2-312(C)	Failure to provide records as necessary to allow ADEQ to determine the operating conditions of the source during a performance test.
A.A.C. R18-2-312(C)	Failure to conduct performance tests under operating conditions specified by ADEQ and based upon representative performance of the source.
A.A.C. R18-2-312(D)	Failure to notify ADEQ at least two weeks in advance of conducting a performance test.
A.A.C. R18-2-312(E)(1)	Failure to provide sampling ports adequate for the test methods applicable to the source.
A.A.C. R18-2-312(E)(2)	Failure to provide safe sampling platforms.
A.A.C. R18-2-312(E)(3)	Failure to provide safe access to sampling platforms.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-312(E)(4)	Failure to provide utilities for sampling and testing equipment.
A.A.C. R18-2-312(F)	Failure to conduct three separate runs using the applicable test method when conducting a performance test.
A.A.C. R18-2-313(A)	Failure to install, calibrate, operate or maintain emissions monitoring equipment necessary for continuously monitoring air pollutants and other gases associated with an existing source performance standard.
A.R.S. ' 49-432(B)	Failure to install, calibrate, operate or maintain emissions monitoring equipment necessary for monitoring air contaminants.
A.R.S. ' 49-432(B)	Failure to supply air contaminant monitoring information upon written request from ADEQ.
A.R.S. ' 49-432(B)	Failure to make air contaminant monitoring devices available for inspection by ADEQ during all reasonable times.
A.A.C. R18-2-313(C)(1)	Failure to comply with continuous emissions monitoring requirements for existing fossil-fuel fired steam generators.
A.A.C. R18-2-313(D)	Failure to demonstrate compliance with an applicable performance specification for a continuous emissions monitoring (CEM) system.
A.A.C. R18-2-313(E)	Failure to meet the minimum excess emissions data reporting requirements for an existing source required to employ a continuous emissions monitoring (CEM) system.
A.A.C. R18-2-313(F)	Failure to use applicable data reduction procedures for converting existing source continuous emissions monitoring (CEM) system data to the units of the standard.
A.A.C. R18-2-317.01	Failure to obtain a Class II permit revision from ADEQ prior to making a change requiring a permit revision.
A.A.C. R18-2-320(B)	Failure to obtain a significant Class II air quality permit revision from ADEQ prior to making changes to the source requiring a revision.
A.A.C. R18-2-333(A) 40 CFR Parts 72, 74, 75, 76	Failure to comply with an acid rain standard, provision, or limitation
A.A.C. R18-2-402(A)	Commencement of construction of a new major source without first obtaining an air quality permit from ADEQ.
A.A.C. R18-2-402(A)	Commencement of construction of a major modification to an existing major source without first obtaining a permit revision from ADEQ.
A.A.C. R18-2-407(F)	Failure to conduct the post-construction ambient air quality monitoring necessary to determine the effect emissions from a new source or major modification to an existing source may have, or are having, on air
A.A.C. R18-2-407(G) 40 CFR Part 58, Appendix B	Failure to properly operate ambient air monitoring stations to satisfy the ambient air quality impact analysis and post-construction monitoring requirements.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-411(A)(1)	Restart of a major source of a sulfur dioxide located within a sulfur dioxide non-attainment area that has not operated for more than 24 consecutive calendar months without first demonstrating that emissions from the unit will not cause or contribute to a violation of the ambient standard for sulfur dioxide.
A.A.C. R18-2-411(A)(2)	Restart of a major source of a sulfur dioxide located within a sulfur dioxide non-attainment area that has not operated for more than 24 consecutive calendar months without first demonstrating that startup of the unit will not require reconstruction.
A.A.C. R18-2-411(A)(3)	Restart of a major source of a sulfur dioxide located within a sulfur dioxide non-attainment area that has not operated for more than 24 consecutive calendar months without first submitting a startup plan to ADEQ that includes a source testing plan.
A.A.C. R18-2-411(B)	Failure to submit a demonstrations and startup plan to ADEQ at least 180 days prior to the expected date of restarting an emissions unit that is a major source of sulfur dioxide located in a sulfur dioxide non-attainment area.
A.A.C. R18-2-411(B)	Restarting an emissions unit that is a major source of sulfur dioxide located in a sulfur dioxide non-attainment area without first obtaining approval of a demonstrations and startup plan from ADEQ.
A.A.C. R18-2-507(C)	Failure to comply with all conditions of a hazardous air pollutant general permit.
A.A.C. R18-2-602(E)(1)	Open burning of dangerous materials without first obtaining permission in writing from ADEQ, or from the control officer of the county, district or region in which such fire occurs.
A.A.C. R18-2-612	Emissions from a non-point source in excess of 40% opacity, as measured by Arizona Testing Manual Reference Method 9.
A.A.C. R18-2-702(B)	Emissions from a plume or effluent from an existing source in excess of 40% opacity, as measured by Reference Method 9 in Title 40, Code of Federal Regulations Part 60, Appendix A.
A.A.C. R18-2 703(C)	Emission of particulate matter from an existing fossil-fuel fired steam generator or existing general fuel burning equipment in excess of the applicable standard calculated from the process weight rate equation in either A.A.C. R18-2-703(C)(1) or (2).
A.A.C. R18-2-703(E)(1)	Emission of greater than 1.0 pounds sulfur dioxide maximum 3-hour average, per million Btu heat input, from existing fuel burning equipment or steam-powered generating installations burning low sulfur oil which commenced construction or a major modification prior to May 30, 1972.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-703(E)(2)	Emission of greater than 0.8 pounds sulfur dioxide maximum 3-hour average, per million Btu heat input, from existing fuel burning equipment or steam-powered generating installations burning low sulfur oil which commenced construction or a major modification after May 30, 1972.
A.A.C. R18-2-703(F)	Emission of greater than 2.2 pounds sulfur dioxide maximum 3-hour average, per million Btu heat input, from existing fuel burning equipment or steam-powered generating installations burning high sulfur oil.
A.A.C. R18-2-703(G)(1)	Emission of greater than 1.0 pounds sulfur dioxide maximum 3-hour average, per million Btu heat input, from existing fuel burning equipment or steam-powered generating installations burning solid fuel which commenced construction or a major modification prior to May 30, 1972.
A.A.C. R18-2-703(G)(2)	Emission of greater than 0.8 pounds sulfur dioxide maximum 3-hour average, per million Btu heat input, from existing fuel burning equipment or steam-powered generating installations burning solid fuel which commenced construction or a major modification after May 30, 1972.
A.A.C. R18-2-703(I)(1)	Emission of greater than 0.2 pounds nitrogen oxides maximum 3-hour average, calculated as nitrogen dioxide per million Btu heat input, from existing fuel burning equipment or steam-powered generating installations burning gaseous fossil fuel.
A.A.C. R18-2-703(I)(2)	Emission of greater than 0.3 pounds nitrogen oxides maximum 3-hour average, calculated as nitrogen dioxide per million Btu heat input, from existing fuel burning equipment or steam-powered generating installations burning liquid fossil fuel.
A.A.C. R18-2-703(I)(3)	Emission of greater than 0.4 pounds nitrogen oxides maximum 3-hour average, calculated as nitrogen dioxide per million Btu heat input, from existing fuel burning equipment or steam-powered generating installations burning solid fossil fuel.
A.A.C. R18-2 703(J)	Failure of existing fossil-fuel fired steam generator and general fuel-burning equipment subject to regulation by A.A.C. R18-2-703 to conform to the fuel monitoring and continuous emissions monitoring requirements set forth in A.A.C. R18-2-313.
A.A.C. R18-2 704(A)	Emissions from of smoke, fumes, gases, particulate matter or other gas-borne material in excess of 20% opacity from any type of incinerator.
A.A.C. R18-2 704(B)	Emissions of particulate matter in excess of 0.1 grains per dry standard cubic foot, corrected to 12% carbon dioxide, from any type of incinerator except wood waste burners or air curtain destructors.
A.A.C. R18-2-704(C)	Use of an air curtain destructor within 500 feet of a dwelling.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-704(E)	Failure to record the daily charging rates and hours of operation of an incinerator.
A.A.C. R18-2-705(B)	Discharge of particulate matter from an existing Portland Cement plant source identified in A.A.C. R18-2-705(A) in excess of the amount calculated by the applicable process weight rate equation in R18-2-705(B)(1) or (2).
A.A.C. R18-2-705(C)	Emissions in excess of 20% opacity from any existing Portland cement plant source identified in A.A.C. R18-2-705(A).
A.A.C. R18-2-705(D)	Discharge in excess of 6 pounds of sulfur oxides, calculated as sulfur dioxide, per ton cement kiln feed from an existing Portland cement
A.A.C. R18-2-705(E)	Failure to record the daily production rates and kiln feed rates for an existing Portland cement plant subject to the provisions of A.A.C. R18-2-705(A).
A.A.C. R18-2-706(A)(2)	Emissions of oxides of nitrogen expressed as nitrogen dioxide in excess of 3.0 lbs. per ton of weak nitric acid from an existing nitric acid plant.
A.A.C. R18-2-706(B)	Emissions in excess of 10% opacity from a plume from an existing nitric acid plant.
A.A.C. R18-2-706(C)	Failure to install, calibrate, maintain and operate a continuous monitoring system in accordance with A.A.C. R18-2-313 for the measurement of nitrogen oxides produced in an existing nitric acid plant.
A.A.C. R18-2-708(B)	Discharge of particulate matter emissions into the atmosphere in excess of the amount calculated from the applicable process weight rate equation in A.A.C. R18-2-708(B)(1) or (2) from an existing asphalt concrete plant.
A.A.C. R18-2-708(E)	Use of liquid fuel containing greater than 0.9% sulfur by weight in an existing asphalt concrete plant.
A.A.C. R18-2-708(F)	Use of solid fuel containing greater than 0.5% sulfur by weight in an existing asphalt concrete plant.
A.A.C. R18-2-710(A)	Use of an existing storage vessel with a capacity of 40,000 gals. or greater for petroleum liquid having a vapor pressure of 1.5 pounds per square inch absolute or greater, that does not maintain working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is not equipped with a properly installed vapor loss control device in good working order and in operation in accordance with R18-2-710(A)(1) or (2).
A.A.C. R18-2-710(B)	Failure to equip any petroleum liquid storage tank with a submerged filling device, or acceptable equivalent for the control of hydrocarbon vapors.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-710(C)	Failure to equip facilities for dock loading of petroleum products having a vapor pressure of 1.5 pounds per square inch absolute or greater at loading pressure, with devices for submerged filling or acceptable equivalent for control of hydrocarbon emissions.
A.A.C. R18-2-710(D)	Failure to equip pumps and compressors which handle volatile organic compounds with mechanical seals or other equipment of equal efficiency to prevent the release of organic contaminants into the atmosphere.
A.A.C. R18-2-710(E)(1)	Failure to monitor and record in a file the typical Reid vapor pressure of each type of petroleum liquid stored and the dates of storage for existing storage vessels for petroleum liquids.
A.A.C. R18-2-710(E)(2)	Failure to determine and record the average monthly storage temperature and true vapor pressure of petroleum liquids of certain true vapor pressure ranges stored within an existing storage vessel without certain vapor control or recovery systems as specified in A.A.C. R18-2-710(E)(2)(a) or (b).
A.A.C. R18-2-714(A)(1)	Emission into the atmosphere of smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 20% opacity, from an existing sewage treatment plant sludge incinerator.
A.A.C. R18-2-714(A)(2)	Emission of particulate matter in concentrations in excess of 0.1 grains per dry standard cubic foot, corrected to 12% carbon dioxide from an existing sewage treatment plant sludge incinerator.
A.A.C. R18-2-714(B)(1)	Failure to install, calibrate, maintain and operate a flow measuring device used to determine the mass or volume of sludge charged to an incinerator at an existing sewage treatment plant.
A.A.C. R18-2-714(B)(2)	Failure to provide access to the sludge charged to an incinerator at an existing sewage treatment plant, so that a well-mixed representative grab sample of the sludge can be obtained.
A.A.C. R18-2-714(B)(3)	Failure to install, calibrate, maintain and/or operate a weighing device for determining the mass of any municipal solid waste charged to an existing sewage treatment plant incinerator when sewage sludge and municipal solid wastes are incinerated together.
A.A.C. R18-2-715(A)	Discharge of particulate matter into the atmosphere from an existing primary copper smelter in excess of the amount calculated by the applicable process weight rate equation listed in A.A.C. R18-2-715(A)(1) or (2).
A.A.C. R18-2-715(D)	Emissions in excess of 20% opacity from an existing primary copper smelter.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-715(F)	Discharge of sulfur dioxide into the atmosphere from an existing primary copper smelter stack required to be continuously monitored by A.A.C. R18-2-715.01(K), at a rate in excess of that listed in the applicable subsection of A.A.C. R18-2-715(F).
A.A.C. R18-2-715.01(K)	Failure to install, calibrate, maintain, and operate a measurement system for continuously monitoring sulfur dioxide concentrations and stack gas volumetric flow rates in each stack which could emit 5% or more of the allowable annual average sulfur dioxide emissions from an existing primary copper smelter subject to A.A.C. R18-2-715(F), and in accordance with A.A.C. R18-2-715.01(K)(1) through (K)(5).
A.A.C. R18-2-715.01(L)	Failure of an owner or operator of an existing primary copper smelter to measure sulfur dioxide emissions at least 95% of the hours during which emissions occurred during any month.
A.A.C. R18-2-715.01(M)	Failure of an owner or operator of an existing primary copper smelter to measure sulfur dioxide emissions any 12 consecutive hours of emissions in accordance with the requirements of A.A.C. R18-2-715.01(K).
A.A.C. R18-2-715.01(N)	Failure to maintain on hand and ready for immediate installation sufficient spare parts for the continuous monitoring equipment required in A.A.C. R18-2-715.01(K), to allow for the replacement within 6 hours of any equipment part which fails or malfunctions during operation.
A.A.C. R18-2-715.01(O)	Failure to utilize the equipment and procedures prescribed by Appendix 8; *Procedures For Utilizing The Sulfur Balance Method For Determining Sulfur Emissions* to determine overall sulfur dioxide emissions from an existing primary copper smelter.
A.A.C. R18-2-715.01(P)	Failure to maintain a record of all average hourly emissions measurements expressed in pounds per hour of sulfur dioxide from an existing primary copper smelter, and or failure to submit monthly summary of such information to ADEQ within 20 days after the end of each month in accordance with A.A.C. R18-2-715.01(P)(1) through (4).
A.A.C. R18-2-715.01(T)	Failure to meet instrument installation, monitoring and/or reporting requirements to detect and record all periods of bypass at each point in the smelter that a means exists to bypass sulfur removal equipment at an existing primary copper smelter.
A.A.C. R18-2-716(B)	Emissions of particulate matter from an affected facility at an existing coal preparation plant in excess of the amount calculated from the applicable process weight rate equation listed in either A.A.C. R18-2-716(B)(1) or (2).
A.A.C. R18-2-716(E)	Failure to control fugitive emissions from an affected facility at an existing coal preparation plant, in accordance with A.A.C. R18-2-604 through A.A.C. R18-2-607.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-719(C)	Emission of particulate matter from an affected existing stationary gas turbine, existing oil-fired turbine, or existing internal combustion engine in excess of the amount calculated from the applicable process weight rate equation.
A.A.C. R18-2-719(E)	Emission of smoke from an existing stationary gas turbine, existing oil-fired turbine, or existing internal combustion engine in excess of 40% opacity for greater than 10 consecutive seconds.
A.A.C. R18-2-719(F)	Emission of sulfur dioxide from an affected existing stationary gas turbine, existing oil-fired turbine, or existing internal combustion engine at a rate in excess of 1.0 pound per million BTU at input rate, when low sulfur oil is fired.
A.A.C. R18-2-719(G)	Emission of sulfur dioxide from an affected existing stationary gas turbine, existing oil-fired turbine, or existing internal combustion engine at a rate in excess of 2.2 pounds per million BTU heat input rate, when high sulfur oil is fired.
A.A.C. R18-2-719(I)	Failure to record the daily sulfur content and lower heating value of the fuel being fired in an affected existing stationary gas turbine, existing oil-fired turbine, or existing internal combustion engine. No information is available or has been provided thus far by the owner or operator to allow ADEQ to ascertain the sulfur content in the fuel.
A.A.C. R18-2-719(J)	Failure to report to ADEQ any daily period during which the sulfur content of the fuel being fired in an affected existing stationary gas turbine, existing oil-fired turbine, or existing internal combustion engine has exceeded 0.8%.
A.A.C. R18-2-720(B)	Emission of particulate matter from an affected facility at an existing lime manufacturing plant in excess of the amount calculated from the applicable process weight rate equation listed in either A.A.C. R18-2-720(B)(1) or (2).
A.A.C. R18-2-720(E)	Failure to control fugitive emissions from an affected facility at an existing lime manufacturing plant in accordance with A.A.C. R18-2-604 through A.A.C. R18-2-607.
A.A.C. R18-2-720(F)	Failure to install, calibrate, maintain and operate a continuous emissions monitoring system for the measurement of the opacity of emissions from an affected facility at an existing lime manufacturing plant.
A.A.C. R18-2-721(B)	Emission of particulate matter from an affected facility at an existing non-ferrous metals industry source listed in A.A.C. R18-2-721(A) in excess of the amount calculated from the applicable process weight rate equation listed in either A.A.C. R18-2-720(B)(1) or (2).

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-721(E)	Emission of reduced sulfur from any existing roaster or dryer the operating temperature of which exceeds 7001F, in excess of 10% of the sulfur entering the process as feed.
A.A.C. R18-2-721(F)	Failure to record the daily process rates and hours of operation of all existing affected material handling facilities prescribed in A.A.C. R18-2-721(A).
A.A.C. R18-2-721(G)	Failure to install, calibrate, maintain and operate a continuous emissions monitoring system for the measurement of sulfur dioxide emissions for an affected existing nonferrous metals industry source, for an existing affected dryer or roaster not expected to achieve continuous compliance with the reduced sulfur emission standard listed in A.A.C. R18-2-721(E).
A.A.C. R18-2-722(B)	Emission of particulate matter from an affected facility at an existing gravel or crushed stone processing plant listed in A.A.C. R18-2-722(A) in excess of the amount calculated from the applicable process weight rate equation listed in either A.A.C. R18-2-722(B)(1) or (2).
A.A.C. R18-2-722(D)	Failure to utilize and place spray bars and nozzle controls in accordance with the following document: *ÆEPA Control of Air Emissions from Processing Operations in the Rock Crushing Industry@*, in order to minimize air pollution emissions from an affected facility at an existing gravel or crushed stone processing plant listed in A.A.C. R18-2-722(A).
A.A.C. R18-2-722(E)	Failure to control fugitive emissions from an affected facility at an existing gravel or crushed stone processing plant in accordance with A.A.C. R18-2-604 through A.A.C. R18-2-607.
A.A.C. R18-2-722(F)	Failure to install, calibrate, maintain and operate a continuous monitoring device to determine the daily weight of gravel or crushed stone produced at an affected existing gravel or crushed stone processing plant.
A.A.C. R18-2-722(G)	Failure to maintain a record of daily production rates of gravel or crushed stone produced at an affected existing gravel or crushed stone processing plant. Without this information, ADEQ is unable to evaluate the reasonable probability of material harm to public health or the environment from the operation of said affected facilities.
A.A.C. R18-2-723	Failure to control fugitive dust emitted from an existing concrete batch plant in accordance with A.A.C. R18-2-604 through A.A.C. R18-2-607.
A.A.C. R18-2-724(C)	Emission of particulate matter from existing industrial or commercial fossil fuel fired equipment with an aggregate maximum rated heat input of 0.5 million to 250 million BTU per hour, in excess of the amount calculated from the applicable process weight rate equation listed in either A.A.C. R18-2-724(B)(1) or (2).

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-724(E)	Emission of sulfur dioxide from existing industrial or commercial fossil fuel fired equipment with an aggregate maximum rated heat input of 0.5 million to 250 million BTU per hour, in excess of 1.0 pounds per million BTU when low sulfur oil is fired.
A.A.C. R18-2-724(F)	Emission of sulfur dioxide from existing industrial or commercial fossil fuel fired equipment with an aggregate maximum rated heat input of 0.5 million to 250 million BTU per hour, in excess of 2.2 pounds per million BTU when high sulfur oil is fired.
A.A.C. R18-2-724(H)	Emission of sulfur dioxide from existing industrial or commercial fossil fuel fired equipment with an aggregate maximum rated heat input of 0.5 million to 250 million Btu per hour, in excess of 1.0 pounds per million BTU when coal is fired.
A.A.C. R18-2-724(I)	Failure to install, calibrate, maintain and operate a continuous monitoring system for the measurement of sulfur dioxide emissions from the control device of existing fossil-fuel fired industrial and commercial equipment.
A.A.C. R18-2-724(J)	Failure to report excess emissions pursuant to A.A.C. R18-2-310.01, including all 6-minute periods in which the opacity of a plume or effluent from existing fossil-fuel fired industrial and commercial equipment has exceeded 15%.
A.A.C. R18-2-725(A)	Failure to use good modern practices to minimize organic solvent emissions from any existing dry cleaning operation using chlorinated synthetic solvents, including but not limited to the use of an adequately sized and properly maintained activated carbon adsorber or other equally effective control device.
A.A.C. R18-2-727(B)(1)	The employment, application, evaporation, or drying of any architectural coating containing photochemically reactive solvents for industrial or commercial purposes.
A.A.C. R18-2-727(B)(2)	Thinning or dilution of any architectural coating with a photochemically reactive solvent.
A.A.C. R18-2-729(B)	Emissions in excess of 40% opacity from any cotton gin.
A.A.C. R18-2-729(C)	Emission of particulate matter from any cotton gin, in excess of the amount calculated from the applicable process weight rate equation listed in either A.A.C. R18-2-729(C)(1) or (2).
A.A.C. R18-2-730(A)(1)	Emission of particulate matter from an existing unclassified source, in excess of the amount calculated from the applicable process weight rate equation listed in either A.A.C. R18-2-730(A)(1)(a) or (1)(b).
A.A.C. R18-2-730(A)(2)	Emission of sulfur dioxide from an existing unclassified source, at a concentration in excess of 600 parts per million.
A.A.C. R18-2-730(A)(3)	Emission of nitrogen oxides from an existing unclassified source, at a concentration in excess of 500 parts per million, expressed as NO_2.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-730(D)	Emission of gaseous or odorous materials from existing unclassified equipment in such quantities or concentrations as to cause Aair pollution@ as this term is defined in Arizona Revised Statutes ' 49-421(2).
A.A.C. R18-2-730(E)	Use of any machine, equipment, or other contrivance for the treatment or processing of animal or vegetable matter without having vapors and gas entrained effluents from such operations either incinerated at temperatures and with residence times prescribed in A.A.C. R18-2-730(E)(1), or passed through such other device which is designed installed and maintained to prevent the emission of odors or other air contaminants and which is approved by ADEQ.
A.A.C. R18-2-730(F)	Failure to process, store, use or transport materials including solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizers and manure in such a manner and by such a means that they will not evaporate, leak, escape or otherwise be discharged into the ambient air so as to cause or contribute to Aair pollution@ as this term is defined in Arizona Revised Statutes ' 49-421(2).
A.A.C. R18-2-730(H)	Emission of hydrogen sulfide from an unclassified source in such manner and amount that the concentrations of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.3 parts per million by volume for any averaging period of 8 hours.
A.A.C. R18-2-730(I)	Emission of carbon monoxide from an unclassified stationary process source without the use of complete secondary combustion of waste gases generated.
A.A.C. R18-2-730(J)	Emission of hydrogen cyanide from an unclassified source in such manner and amount that the concentrations of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.3 parts per million by volume for any averaging period of 8 hours.
A.A.C. R18-2-730(K)	Emission of sodium cyanide dust or dust from any other solid cyanide from an unclassified source in such manner and amount that the concentrations of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 140 micrograms per cubic meter for any averaging period of 8 hours.
A.A.C. R18-2-730(L)	Operation of an unclassified existing facility engaged in the surface coating of miscellaneous metal parts and products that emits volatile organic compounds in excess of any of the applicable emission standards listed in A.A.C. R18-2-730(L)(1), (L)(2), (L)(3), or (L)(4).
A.A.C. R18-2-731(C)	Operation of an existing municipal solid waste landfill in violation of a provision, requirement, performance standard or emission limitation contained in 40 CFR Part 60, Subpart WWW.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-731(C)	Operation of an existing municipal solid waste landfill in violation of any applicable non-methane organic compound emission rate reporting requirements, design plan reporting requirements, or collection and control system installation requirements prescribed in A.A.C. R18-2-731(C)(2) through (C)(5).
A.A.C. R18-2-732(D)	Failure to obtain a Class I air quality operating permit from ADEQ by September 15, 2000, to operate an existing hospital/medical/infectious waste incinerator.
A.A.C. R18-2-732(E)(1)	Failure to comply with the pollutant emissions limitations for existing small, medium, or large hospital/medical/infectious waste incinerators listed within Table 1 of Arizona Administrative Code Title 18, Chapter 2, Article 7.
A.A.C. R18-2-732(E)(2)	Failure to comply with the pollutant emissions limitations for existing rural hospital/medical/infectious waste incinerators listed within Table 2 of Arizona Administrative Code Title 18, Chapter 2, Article 7.
A.A.C. R18-2-732(E)(3)	Emissions of greater than 10% opacity from the stack of an existing hospital/medical/infectious waste incinerator.
A.A.C. R18-2-732(E)(4)	Failure to comply with an opacity requirement in Title 40 CFR Part 60.52c(c), (d), or (e) for an existing large existing hospital/medical/infectious waste incinerator.
A.A.C. R18-2-732(F)	Failure to comply with the operator training requirements in Title 40 CFR Part 60.53c for an existing hospital/medical/infectious waste incinerator. Without material evidence indicating compliance with these requirements, ADEQ is unable to evaluate the reasonable probability of material harm to public health or the environment as a result of operation of the incinerator.
A.A.C. R18-2-732(G)	Failure to comply with the waste management requirements in Title 40 CFR Part 60.55c for an existing hospital/medical/infectious waste incinerator. Without material evidence indicating compliance with these requirements, ADEQ is unable to evaluate the reasonable probability of material harm to public health or the environment as a result of operation of the incinerator.
A.A.C. R18-2-732(H)(3)	Failure to complete all necessary repairs within 10 operating days following an equipment inspection of an existing rural hospital/medical/infectious waste incinerator, where ADEQ is unable to evaluate to what extent prior operation of the equipment without the repairs may have resulted in a reasonable probability of material harm to the public health or the environment.
A.A.C. R18-2-732(I)(1)	Failure to meet the applicable compliance and performance testing requirements for an existing hospital/medical/infectious waste incinerator contained within 40 CFR Parts 60.56c.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-732(I)(2)(a)	Failure to meet the applicable compliance and performance testing requirements for an existing rural hospital/medical/infectious waste incinerator contained within Title 40 CFR Parts 60.56c.
A.A.C. R18-2-732(I)(2)(b)	Failure to establish applicable maximum charge rate and minimum secondary chamber temperature requirements for an existing rural hospital/medical/infectious waste incinerator during the initial performance test to determine compliance with applicable emission limitations.
A.A.C. R18-2-732(I)(2)(c)	Failure to meet applicable maximum charge rate and minimum secondary chamber temperature requirements for an existing rural hospital/medical/infectious waste incinerator.
A.A.C. R18-2-732(I)(3)	Failure to comply with the applicable emissions monitoring requirements listed in 40 CFR Part 60.57c, subpart Ec, for an existing rural hospital/medical/infectious waste incinerator.
A.A.C. R18-2-732(I)(4)(a)	Failure to install, calibrate, maintain, or operate a secondary combustion chamber continuous temperature monitor for an existing rural hospital/medical/infectious waste incinerator.
A.A.C. R18-2-732(I)(4)(b)	Failure to install, calibrate, maintain, and operate a device that automatically measures and records the date, time, and weight of each change fed into an existing rural hospital/medical/infectious waste incinerator.
A.A.C. R18-2-901(1) 40 CFR Part 60, Subpart A	Failure to comply with a New Source Performance Standard contained within General Provisions, Subpart A.
A.A.C. R18-2-901(2) 40 CFR Part 60, Subpart D	Failure to comply with a New Source Performance Standard for Fossil-Fuel Fired Steam Generators.
A.A.C. R18-2-901(3) 40 CFR Part 60, Subpart Da	Failure to comply with a New Source Performance Standard for Electric Utility Steam Generating Units.
A.A.C. R18-2-901(4) 40 CFR Part 60, Subpart Db	Failure to comply with a New Source Performance Standard for Industrial-Commercial-Institutional Steam Generating Units.
A.A.C. R18-2-901(5) 40 CFR Part 60, Subpart Dc	Failure to comply with a New Source Performance Standard for Small Industrial-Commercial-Institutional Steam Generating Units.
A.A.C. R18-2-901(6) 40 CFR Part 60, Subpart E	Failure to comply with a New Source Performance Standard for Incinerators.
A.A.C. R18-2-901(7) 40 CFR Part 60, Subpart Ea	Failure to comply with a New Source Performance Standard for Municipal Waste Combustors, that commenced construction after 12/20/89 and on or before 09/20/94.
A.A.C. R18-2-901(8) 40 CFR Part 60, Subpart Eb	Failure to comply with a New Source Performance Standard for Municipal Waste Combustors, that commenced construction after 09/20/94.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-901(9) 40 CFR Part 60, Subpart Ec	Failure to comply with a New Source Performance Standard for Hospital/Medical/Infectious Waste Incinerators.
A.A.C. R18-2-901(10) 40 CFR Part 60, Subpart F	Failure to comply with a New Source Performance Standard for Portland Cement Plants.
A.A.C. R18-2-901(11) 40 CFR Part 60, Subpart G	Failure to comply with a New Source Performance Standard for Nitric Acid Plants.
A.A.C. R18-2-901(12) 40 CFR Part 60, Subpart H	Failure to comply with a New Source Performance Standard for Sulfuric Acid Plants.
A.A.C. R18-2-901(13) 40 CFR Part 60, Subpart I	Failure to comply with a New Source Performance Standard for Hot Mix Asphalt Facilities.
A.A.C. R18-2-901(14) 40 CFR Part 60, Subpart J	Failure to comply with a New Source Performance Standard for Petroleum Refineries.
A.A.C. R18-2-901(15) 40 CFR Part 60, Subpart K	Failure to comply with a New Source Performance Standard for Storage Vessels for Petroleum Liquids that commenced construction, reconstruction or modification after 06/11/73 to 05/19/78.
A.A.C. R18-2-901(16) 40 CFR Part 60, Subpart Ka	Failure to comply with a New Source Performance Standard for Storage Vessels for Petroleum Liquids that commenced construction, reconstruction or modification after 05/18/78 to 07/23/84.
A.A.C. R18-2-901(17) 40 CFR Part 60, Subpart Kb	Failure to comply with a New Source Performance Standard for Storage Vessels (including Petroleum Liquid Storage Vessels) that commenced construction, reconstruction or modification after 07/23/84.
A.A.C. R18-2-901(18) 40 CFR Part 60, Subpart L	Failure to comply with a New Source Performance Standard for Secondary Lead Smelters.
A.A.C. R18-2-901(19) 40 CFR Part 60, Subpart M	Failure to comply with New Source Performance Standards for Secondary Brass and Bronze Ingot Publication Plants.
A.A.C. R18-2-901(20) 40 CFR Part 60, Subpart N	Failure to comply with a New Source Performance Standard for Primary Emissions from Basic Oxygen Process Furnaces that commenced construction after 06/11/83.
A.A.C. R18-2-901(21) 40 CFR Part 60, Subpart Na	Failure to comply with a New Source Performance Standard for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities that commenced construction after 01/20/83.
A.A.C. R18-2-901(22) 40 CFR Part 60, Subpart O	Failure to comply with a New Source Performance Standard for Sewage Treatment Plant.
A.A.C. R18-2-901(23) 40 CFR Part 60, Subpart P	Failure to comply with a New Source Performance Standard for Primary Cooper Smelters.
A.A.C. R18-2-901(24) 40 CFR Part 60, Subpart Q	Failure to comply with a New Source Performance Standard for Primary Zinc Smelters.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-901(25) 40 CFR Part 60, Subpart R	Failure to comply with a New Source Performance Standard for Primary Lead Smelters.
A.A.C. R18-2-901(26) 40 CFR Part 60, Subpart S	Failure to comply with a New Source Performance Standard for Primary Aluminum Reduction Plants.
A.A.C. R18-2-901(27) 40 CFR Part 60, Subpart T	Failure to comply with a New Source Performance Standard for Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
A.A.C. R18-2-901(28) 40 CFR Part 60, Subpart U	Failure to comply with a New Source Performance Standard for Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
A.A.C. R18-2-901(29) 40 CFR Part 60, Subpart B	Failure to comply with a New Source Performance Standard for Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
A.A.C. R18-2-901(30) 40 CFR Part 60, Subpart W	Failure to comply with a New Source Performance Standard for Phosphate Fertilizer Industry: Triple Superphosphate Plants.
A.A.C. R18-2-901(31) 40 CFR Part 60, Subpart X	Failure to comply with a New Source Performance Standard for Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
A.A.C. R18-2-901(32) 40 CFR Part 60, Subpart Y	Failure to comply with a New Source Performance Standard for Coal Preparation Plants.
A.A.C. R18-2-901(33) 40 CFR Part 60, Subpart Z	Failure to comply with a New Source Performance Standard for Ferroalloy Production Facilities.
A.A.C. R18-2-901(34) 40 CFR Part 60, Subpart AA	Failure to comply with a New Source Performance Standard for Steel Plants: Electric Arc Furnaces.
A.A.C. R18-2-901(35) 40 CFR Part 60, Subpart AAa,	Failure to comply with a New Source Performance Standard for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels.
A.A.C. R18-2-901(36) 40 CFR Part 60, Subpart BB	Failure to comply with a New Source Performance Standard for Kraft Pulp Mills.
A.A.C. R18-2-901(37) 40 CFR Part 60, Subpart CC	Failure to comply with a New Source Performance Standard for Glass Manufacturing Plants.
A.A.C. R18-2-901(38) 40 CFR Part 60, Subpart DD	Failure to comply with a New Source Performance Standard for Grain Elevators.
A.A.C. R18-2-901(39) 40 CFR Part 60, Subpart EE	Failure to comply with a New Source Performance Standard for Surface Coating of Metal Furniture.
A.A.C. R18-2-901(40) 40 CFR Part 60, Subpart GG	Failure to comply with a New Source Performance Standard for Stationary Gas Turbines.
A.A.C. R18-2-901(41) 40 CFR Part 60, Subpart HH	Failure to comply with New Source Performance Standards for Lime Manufacturing Plants.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-901(42) 40 CFR Part 60, Subpart KK	Failure to comply with New Source Performance Standards for Lead-Acid Battery Manufacturing Plants.
A.A.C. R18-2-901(43) 40 CFR Part 60, Subpart LL	Failure to comply with New Source Performance Standards for Metallic Mineral Processing Plants.
A.A.C. R18-2-901(44) 40 CFR Part 60, Subpart MM	Failure to comply with New Source Performance Standards for Automobile and Light Duty Truck Surface Coating Operations.
A.A.C. R18-2-901(45) 40 CFR Part 60, Subpart NN	Failure to comply with New Source Performance Standards for Phosphate Rock Plants.
A.A.C. R18-2-901(46) 40 CFR Part 60, Subpart PP	Failure to comply with New Source Performance Standards for Ammonium Sulfate Manufacture.
A.A.C. R18-2-901(47) 40 CFR Part 60, Subpart QQ	Failure to comply with New Source Performance Standards for Graphic Arts Industry: Publication Rotogravure Printing.
A.A.C. R18-2-901(48) 40 CFR Part 60, Subpart RR	Failure to comply with New Source Performance Standards for Pressure Sensitive Tape and Label Surface Coating Operations.
A.A.C. R18-2-901(49) 40 CFR Part 60, Subpart SS	Failure to comply with New Source Performance Standards for Industrial Surface Coating: Large Appliances.
A.A.C. R18-2-901(50) 40 CFR Part 60, Subpart TT	Failure to comply with New Source Performance Standards for Metal Coil Surface Coating.
A.A.C. R18-2-901(51) 40 CFR Part 60, Subpart UU	Failure to comply with New Source Performance Standards for Asphalt Processing and Asphalt Roofing Manufacture.
A.A.C. R18-2-901(52) 40 CFR Part 60, Subpart VV	Failure to comply with New Source Performance Standards for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
A.A.C. R18-2-901(53) 40 CFR Part 60, Subpart	Failure to comply with New Source Performance Standards for Beverage Can Surface Coating Industry.
A.A.C. R18-2-901(54) 40 CFR Part 60, Subpart XX	Failure to comply with New Source Performance Standards for Bulk Gasoline Terminals.
A.A.C. R18-2-901(55) 40 CFR Part 60, Subpart AAA	Failure to comply with New Source Performance Standards for New Resident Wood Heaters.
A.A.C. R18-2-901(56) 40 CFR Part 60, Subpart BBB	Failure to comply with New Source Performance Standards for Rubber Tire Manufacturing Industry.
A.A.C. R18-2-901(57) 40 CFR Part 60, Subpart DDD	Failure to comply with a New Source Performance Standard for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-901(58) 40 CFR Part 60, Subpart FFF	Failure to comply with New Source Performance Standards for Flexible Vinyl and Urethane Coating and Printing.
A.A.C. R18-2-901(59) 40 CFR Part 60, Subpart GGG	Failure to comply with a New Source Performance Standard for Equipment Leaks of VOC in Petroleum Refineries.
A.A.C. R18-2-901(60) 40 CFR Part 60, Subpart HHH	Failure to comply with a New Source Performance Standard for Synthetic Fiber Production Facilities.
A.A.C. R18-2-901(61) 40 CFR Part 60, Subpart III	Failure to comply with a New Source Performance Standard for Synthetic Fiber Production Facilities.
A.A.C. R18-2-901(62) 40 CFR Part 60, Subpart JJJ	Failure to comply with New Source Performance Standards for Petroleum Dry Cleaners.
A.A.C. R18-2-901(63) 40 CFR Part 60, Subpart KKK	Failure to comply with New Source Performance Standards for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
A.A.C. R18-2-901(64) 40 CFR Part 60, Subpart LLL	Failure to comply with New Source Performance Standards for Onshore Natural Gas Processing; SO2 Emissions.
A.A.C. R18-2-901(65) 40 CFR Part 60, Subpart NNN	Failure to comply with New Source Performance Standards for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
A.A.C. R18-2-901(66) 40 CFR Part 60, Subpart OOO	Failure to comply with a New Source Performance Standard for Nonmetallic Mineral Processing Plants.
A.A.C. R18-2-901(67) 40 CFR Part 60, Subpart PPP	Failure to comply with a New Source Performance Standard for Wool Fiberglass Insulation Manufacturing Plants.
A.A.C. R18-2-901(68) 40 CFR Part 60, Subpart QQQ	Failure to comply with a New Source Performance Standard for VOC Emissions from Petroleum Refinery Wastewater Systems.
A.A.C. R18-2-901(69) 40 CFR Part 60, Subpart RRR	Failure to comply with a New Source Performance Standard for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
A.A.C. R18-2-901(70) 40 CFR Part 60, Subpart SSS	Failure to comply with a New Source Performance Standards for Magnetic Tape Coating Facilities.
A.A.C. R18-2-901(71) 40 CFR Part 60, Subpart TTT	Failure to comply with a New Source Performance Standard for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-901(72) 40 CFR Part 60, Subpart VVV	Failure to comply with a New Source Performance Standard for Calciners and Dryers in Mineral Industries.
A.A.C. R18-2-901(73) 40 CFR Part 60, Subpart UUU	Failure to comply with a New Source Performance Standard for Polymeric Coating of Supporting Substrates Facilities.
A.A.C. R18-2-901(74) 40 CFR Part 60, Subpart WWW	Failure to comply with a New Source Performance Standard for Municipal Solid Waste Landfills.
A.A.C. R18-2-903	Failure to comply with exceptions to new source performance standards for emissions from fossil-fuel fired steam generators (40 CFR Parts 60.40 through 60.47) as listed in A.A.C. R18-2-903(1) or (3).
A.A.C. R18-2-904(A)	Failure of an incinerator with a charging rate of more than 45 metric tons per day to conform with the requirements of Title 40 CFR Parts 60.50 through 60.54.
A.A.C. R18-2-904(B)	Failure of an incinerator with a charging rate of 45 metric tons per day or less that commenced construction or modification after May 14, 1979, to conform with the requirements of Title 40 CFR Parts 60.52 through 60.54, and A.A.C. R18-2-704(A).
A.A.C. R18-2-905(1)	For storage vessels for petroleum liquids subject to new source performance standards listed in Title 40 CFR Parts 60.110 through 60.113, failure to equip a petroleum liquid storage tank of less than 40,000 gallons capacity with a submerged filling device or equivalent to control hydrocarbon emissions.
A.A.C. R18-2-905(2)	For storage vessels for petroleum liquids subject to new source performance standards listed in Title 40 CFR Parts 60.110 through 60.113, failure to equip facilities for dock loading of petroleum products with a vapor pressure of 2.0 pounds per square inch absolute or greater at loading pressure, with submerged filling device or other acceptable equivalent to control hydrocarbon emissions.
A.A.C. R18-2-905(3)	For storage vessels for petroleum liquids subject to new source performance standards listed in Title 40 CFR Parts 60.110 through 60.113, failure to equip pumps and compressors which handle volatile organic compounds with mechanical seals or other equipment of equal efficiency to prevent the release of organic contaminants into the atmosphere.
A.A.C. R18-2-1101(A)(1) 40 CFR Part 61, Subpart A	Failure to comply with a startup notification, construction, modification, operation or monitoring requirement in the General Provisions for National Emissions Standards For Hazardous Air Pollutants.
A.A.C. R18-2-1101(A)(2) 40 CFR Part 61, Subpart C	Failure to comply with a Beryllium National Emissions Standard for Hazardous Air Pollutants.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-1101(A)(3) 40 CFR Part 61, Subpart D	Failure to comply with a Beryllium Rocket Motor Firing National Emissions Standard for Hazardous Air Pollutants.
A.A.C. R18-2-1101(A)(4) 40 CFR Part 61, Subpart E	Failure to comply with a Mercury National Emissions Standard for Hazardous Air Pollutants.
A.A.C. R18-2-1101(A)(5) 40 CFR Part 61, Subpart F	Failure to comply with a Vinyl Chloride National Emissions Standard for Hazardous Air Pollutants.
A.A.C. R18-2-1101(A)(6) 40 CFR Part 61, Subpart J	Failure to comply with an Equipment Leaks (Fugitive Emissions Sources) of Benzene National Emissions Standard for Hazardous Air Pollutants.
A.A.C. R18-2-1101(A)(7) 40 CFR Part 61, Subpart L	Failure to comply with a Benzene Emissions From Coke By-Product Recovery Plants National Emissions Standard for Hazardous Air Pollutants.
A.A.C. R18-2-1101(A)(9) 40 CFR Part 61, Subpart N	Failure to comply with an Inorganic Arsenic Emissions From Glass Manufacturing Plants National Emissions Standard for Hazardous Air Pollutants.
A.A.C. R18-2-1101(A)(10) 40 CFR Part 61, Subpart O	Failure to comply with an Inorganic Arsenic Emissions From Primary Copper Smelters National Emissions Standard for Hazardous Air Pollutants.
A.A.C. R18-2-1101(A)(11) 40 CFR Part 61, Subpart P	Failure to comply with an Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities National Emissions Standard for Hazardous Air Pollutants.
A.A.C. R18-2-1101(A)(12) 40 CFR Part 61, Subpart V	Failure to comply with an Equipment Leaks (Fugitive Emissions Sources) National Emissions Standard for Hazardous Air Pollutants.
A.A.C. R18-2-1101(A)(13) 40 CFR Part 61, Subpart Y	Failure to comply with a Benzene Emissions From Benzene Storage Vessels National Emissions Standard for Hazardous Air Pollutants.
A.A.C. R18-2-1101(A)(14) 40 CFR Part 61, Subpart BB	Failure to comply with a Benzene Emissions From Benzene Transfer Operations National Emissions Standard for Hazardous Air Pollutants.
A.A.C. R18-2-1101(A)(15) 40 CFR Part 61, Subpart FF	Failure to comply with a Benzene Waste Operations National Emissions Standard for Hazardous Air Pollutants.
A.A.C. R18-2-1101(B)(1) 40 CFR Part 63, Subpart A	Failure to comply with a construction, reconstruction, maintenance, monitoring, performance testing, notification, record keeping, reporting, or control device requirement listed in the general provisions for National Emissions Standards for Hazardous Air Pollutants (NESHAP) for source categories.
A.A.C. R18-2-1101(B)(2) 40 CFR Part 63, Subpart B	Failure to comply with a Maximum Achievable Control Technology, permit, emission limitation, compliance date or other requirement for control technology determination for major sources in accordance with Clean Air Act sections 112(g) and 112(j).

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-1101(B)(3) 40 CFR Part 63, Subpart D	Failure to comply with a compliance extension, early reduction demonstration, enforceable commitment, application procedure, or other Regulation Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants.
A.A.C. R18-2-1101(B)(4) 40 CFR Part 63, Subpart F	Failure to comply with a National Emissions Standard for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Industry.
A.A.C. R18-2-1101(B)(5) 40 CFR Part 63, Subpart G	Failure to comply with a National Emissions Standard for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater.
A.A.C. R18-2-1101(B)(6) 40 CFR Part 63, Subpart H	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants for Equipment Leaks.
A.A.C. R18-2-1101(B)(7) 40 CFR Part 63, Subpart I	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
A.A.C. R18-2-1101(B)(8) 40 CFR Part 63, Subpart L	Failure to comply with a National Emissions Standard for Coke Oven Batteries.
A.A.C. R18-2-1101(B)(9) 40 CFR Part 63, Subpart M	Failure to comply with a National Perchloroethylene Air Emissions Standards for Dry Cleaning Facilities.
A.A.C. R18-2-1101(B)(10) 40 CFR Part 63, Subpart N	Failure to comply with a National Emissions Standard for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
A.A.C. R18-2-1101(B)(11) 40 CFR Part 63, Subpart O	Failure to comply with a Ethylene Oxide Emissions Standard for Sterilization Facilities.
A.A.C. R18-2-1101(B)(12) 40 CFR Part 63, Subpart Q	Failure to comply with a National Emissions Standard For Industrial Process Cooling Towers.
A.A.C. R18-2-1101(B)(13) 40 CFR Part 63, Subpart R	Failure to comply with a National Emissions Standard for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).
A.A.C. R18-2-1101(B)(14) 40 CFR Part 63, Subpart S	Failure to comply with a National Emissions Standard For Hazardous Air Pollutants from the Pulp and Paper Industry.
A.A.C. R18-2-1101(B)(15) 40 CFR Part 63, Subpart T	Failure to comply with a National Emissions Standard for Halogenated Solvent Cleaning.
A.A.C. R18-2-1101(B)(16) 40 CFR Part 63, Subpart U	Failure to comply with a National Emissions Standard for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.
A.A.C. R18-2-1101(B)(17) 40 CFR Part 63, Subpart W	Failure to comply with a National Emissions Standard for Epoxy Resins Production and Non-Nylon Polyamides Production.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-1101(B)(18) 40 CFR Part 63, Subpart X	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants From Secondary Lead Smelting.
40 CFR Part 63, Subpart AA A.A.C. R18-2-1101(B)(19)	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants.
A.A.C. R18-2-1101(B)(20) 40 CFR Part 63, Subpart BB	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.
A.A.C. R18-2-1101(B)(21) 40 CFR Part 63, Subpart CC	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants From Petroleum Refineries.
A.A.C. R18-2-1101(B)(22) 40 CFR Part 63, Subpart DD	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants From Off-Site Waste and Recovery Operations.
A.A.C. R18-2-1101(B)(23) 40 CFR Part 63, Subpart EE	Failure to comply with a National Emissions Standard for Magnetic Tape Manufacturing Operations.
A.A.C. R18-2-1101(B)(24) 40 CFR Part 63, Subpart GG	Failure to comply with a National Emissions Standard for Aerospace Manufacturing and Rework Facilities.
A.A.C. R18-2-1101(B)(25) 40 CFR Part 63, Subpart HH	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities.
A.A.C. R18-2-1101(B)(26) 40 CFR Part 63, Subpart JJ	Failure to comply with a National Emissions Standard for Wood Furniture Manufacturing Operations.
A.A.C. R18-2-1101(B)(27) 40 CFR Part 63, Subpart KK	Failure to comply with a National Emissions Standard for the Printing and Publishing Industry.
A.A.C. R18-2-1101(B)(28) 40 CFR Part 63, Subpart LL	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants From Primary Aluminum Reduction Plants.
A.A.C. R18-2-1101(B)(29) 40 CFR Part 63, Subpart MM	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semi-chemical Pulp Mills.
A.A.C. R18-2-1101(B)(30) 40 CFR Part 63, Subpart OO	Failure to comply with a National Emissions Standard requirement for Tanks -- Level 1.
A.A.C. R18-2-1101(B)(31) 40 CFR Part 63, Subpart PP	Failure to comply with a National Emissions Standard for Containers.
A.A.C. R18-2-1101(B)(32) 40 CFR Part 63, Subpart QQ	Failure to comply with a National Emissions Standard for Surface Impoundments.
A.A.C. R18-2-1101(B)(33) 40 CFR Part 63, Subpart RR	Failure to comply with a National Emissions Standard for Individual Drain Systems.
A.A.C. R18-2-1101(B)(34) 40 CFR Part 63, Subpart SS	Failure to comply with a National Emissions Standard for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.
A.A.C. R18-2-1101(B)(35) 40 CFR Part 63, Subpart TT	Failure to comply with a National Emissions Standard for Equipment Leaks B Control Level 1 requirement.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-1101(B)(36) 40 CFR Part 63, Subpart UU	Failure to comply with a National Emissions Standard for Equipment Leaks B Control Level 2 requirements.
A.A.C. R18-2-1101(B)(37) 40 CFR Part 63, Subpart VV	Failure to comply with a National Emissions Standard for Oil-Water Separators and Organic-Water Separators.
A.A.C. R18-2-1101(B)(38) 40 CFR Part 63, Subpart WW	Failure to comply with a National Emissions Standard for Storage Vessels (Tanks) - Control Level 2 requirement.
A.A.C. R18-2-1101(B)(39) 40 CFR Part 63, Subpart YY	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.
A.A.C. R18-2-1101(B)(40) 40 CFR Part 63, Subpart CCC	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants for Steel Pickling, HCL Process Facilities and Hydrochloric Acid Regeneration Plants.
A.A.C. R18-2-1101(B)(41) 40 CFR Part 63, Subpart DDD	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants for Mineral Wool Production.
A.A.C. R18-2-1101(B)(42) 40 CFR Part 63, Subpart EEE	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants from Hazardous Waste Combustors.
A.A.C. R18-2-1101(B)(43) 40 CFR Part 63, Subpart GGG	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants for Pharmaceuticals Production.
A.A.C. R18-2-1101(B)(44) 40 CFR Part 63, Subpart HHH	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities.
A.A.C. R18-2-1101(B)(45) 40 CFR Part 63, Subpart III	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants From Flexible Polyurethane Foam Production.
A.A.C. R18-2-1101(B)(46) 40 CFR Part 63, Subpart JJJ	Failure to comply with a National Emissions Standard for Hazardous Air Pollutant Emissions -- Group IV Polymers and Resins.
A.A.C. R18-2-1101(B)(47) 40 CFR Part 63, Subpart LLL	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry.
A.A.C. R18-2-1101(B)(48) 40 CFR Part 63, Subpart	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
A.A.C. R18-2-1101(B)(49) 40 CFR Part 63, Subpart	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
A.A.C. R18-2-1101(B)(50) 40 CFR Part 63, Subpart	Failure to comply with a National Emission Standard for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
A.A.C. R18-2-1101(B)(51) 40 CFR Part 63, Subpart PPP	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants for Polyether Polyols Production.

CITATION	DESCRIPTION OF MAJOR VIOLATION - AIR QUALITY
A.A.C. R18-2-1101(B)(52) 40 CFR Part 63, Subpart RRR	Failure to comply with a National Emission Standard for Hazardous Air Pollutants for Secondary Aluminum Production.
A.A.C. R18-2-1101(B)(53) 40 CFR Part 63, Subpart TTT	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants for Primary Lead Smelting.
A.A.C. R18-2-1101(B)(54) 40 CFR Part 63, Subpart VVV	Failure to comply with a National Emission Standard for Hazardous Air Pollutants: Publicly Owned Treatment Works.
A.A.C. R18-2-1101(B)(55) 40 CFR Part 63, Subpart XXX	Failure to comply with a National Emissions Standard for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.
A.A.C. R18-2-1101(B)(56) 40 CFR Part 63, Subpart CCCC	Failure to comply with a National Emission Standard for Hazardous Air Pollutants: Manufacture of Nutritional Yeast.
A.A.C. R18-2-1101(B)(57) 40 CFR Part 63, Subpart GGGG	Failure to comply with a National Emission Standard for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production
A.R.S. ' 49-426(G)	Burning of used oil, used oil fuel, hazardous waste or hazardous waste fuel, without first obtaining an air quality permit from ADEQ.
A.R.S. ' 49-432(B)	Failure to provide, install, maintain, or operate such air contaminant monitoring devices as required to determine compliance.
A.R.S. ' 49-432(B)	Failure to supply air contaminant monitoring device information as requested in writing by ADEQ.

APPENDIX L2

AIR QUALITY MINOR VIOLATIONS

CITATION	DESCRIPTION OF MINOR VIOLATION - AIR QUALITY
A.A.C. R18-2-304(H)	Failure to include a Certification Statement of Truth, Accuracy, and Completeness, signed by a responsible official in a report or a compliance certification submitted to ADEQ.
A.A.C. R18-2-306.02(D)	Failure to log required information associated with an actual emissions increase or decrease authorized as a trade under an emissions cap.
A.A.C. R18-2-315(A) A.R.S. § 49-430	Failure to post a permit, or a certificate of permit issuance, in a location where the equipment is installed and in such a manner as to be clearly visible and accessible.
A.A.C. R18-2-315(B)	Failure to keep a copy of a complete permit at the site where the permitted equipment is located.
A.A.C. R18-2-317(D)	Failure to notify ADEQ in writing, by certified mail or by hand delivery, at least seven working days in advance of a change to a source covered by an existing Class I air quality permit.
A.A.C. R18-2-317.02(B)	Failure to follow required on-site logging procedures specified in "Appendix 3 Logging" of A.A.C. R18-2 for certain changes to a source covered under an existing Class II air quality permit that do not require a permit revision.
A.A.C. R18-2-317.02(C)	Failure to notify ADEQ in writing, by certified mail or by hand delivery, the minimum number of days specified by applicable rule in advance of making certain changes to a source covered under an existing Class II air quality permit.
A.A.C. R18-2-317.02(D)	Failure to notify ADEQ in writing, by certified mail or by hand delivery, of any Class II air quality permit changes to include, a substitution of an item of process or pollution control equipment within seven working days in advance of the change.
A.A.C. R18-2-317.02(I)	Failure to submit to ADEQ, within 30 days after the anniversary date of the Class II air quality permit issuance date, a copy of all required on-site logs of changes that do not require a permit revision.
A.A.C. R18-2-324(A)	Operation of portable equipment covered under a county air quality permit outside of the jurisdiction authorized by the permit.
A.A.C. R18-2-324(B)	Failure to adequately notify ADEQ and the county air pollution control officer prior to commencing operation of a portable source in a new county.
A.A.C. R18-2-324(B)	Operation of portable equipment proposed to be covered under a county air quality permit, in a location outside of the county without first obtaining an air quality permit from ADEQ.
A.A.C. R18-2-324(C)	Failure to obtain a permit from ADEQ prior to renting or leasing portable equipment.

CITATION	DESCRIPTION OF MINOR VIOLATION - AIR QUALITY
A.A.C. R18-2-324(C)	Failure to provide a copy of the permit to the renter or lessee of portable equipment.
A.A.C. R18-2-324(D)	Failure to notify ADEQ and any air quality control officer with jurisdiction over the geographic area that includes the new location of the equipment, at least 10 working days prior to transferring permitted portable equipment from one location to another.
A.A.C. R18-2-327(A)	Failure to complete and submit an annual emissions inventory questionnaire for a source subject to an air quality permit requirement by March 31 or within 90 days after an inventory form is made available by ADEQ.
A.A.C. R18-2-327(B)	Failure to submit the annual emissions inventory questionnaire information on a form provided by ADEQ, and/or failure to include all information requested on the form.
A.A.C. R18-2-327(E)	Failure to submit an amendment to an annual emission inventory questionnaire after notification by ADEQ, or after discovery of incorrect or insufficient information in a previously submitted questionnaire.
A.A.C. R18-2-329(B)	Failure to submit to ADEQ a quarterly report of the status of a source and construction progress and copies of any reports required under a federal delayed compliance order or consent decree.
A.A.C. R18-2-330(F)	Failure to post a public notice containing required information at a site where a source is or may be located, at a location visible to the public until the public comment period has closed.
A.A.C. R18-2-602(A)	Causing, suffering, allowing, or permitting the ignition or maintaining of an open outdoor fire.
A.A.C. R18-2-602(D)	Failure to immediately transmit a copy of written permission obtained from an authorized public officer for the setting of an open outdoor fire.
A.A.C. R18-2-602(E)(2)	Use of an outdoor open fire for the disposal of ordinary household trash without first obtaining permission in writing from ADEQ, or from the control officer of the county, district or region in which such fire occurs.
A.A.C. R18-2-604(A)	Failure to take reasonable precautions to limit excessive amounts of particulate matter from becoming airborne from the construction, use, alteration, repair, demolition, clearing, leveling, earth movement or excavation of a building or its appurtenances, or a building or subdivision site, or a driveway, or a parking area, or a vacant lot or sales lot, or an urban or suburban open area.
A.A.C. R18-2-604(B)	Failure to take reasonable precautions to limit excessive amounts of particulate matter from becoming airborne from a vacant lot, or an urban or suburban open area to be driven over or used by motor vehicles, trucks, cars, cycles, bikes, or buggies, or by animals such as horses.

CITATION	DESCRIPTION OF MINOR VIOLATION - AIR QUALITY
A.A.C. R18-2-604(C)	Operation of a motor vehicle for recreational purposes in a dry wash, riverbed or in an open area in such a way as to cause or contribute to visible dust emissions which cross property lines into a residential, recreational, institutional, educational, retail sales, hotel or business premises.
A.A.C. R18-2-605(A)	Failure to take reasonable precautions to limit excessive amounts of particulate matter from becoming airborne, from the construction or reconstruction of a roadway or alley by employing temporary paving, dust suppressants, wetting down, detouring or other means.
A.A.C. R18-2-605(B)	Failure to take reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne during the transportation of materials by wetting, applying dust suppressants, or covering the load.
A.A.C. R18-2-606	Failure to take reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne from crushing, screening, handling, transporting or conveying of materials or other operations likely to result in significant amounts of airborne dust through the use of spray bars and nozzles, wetting agents, dust suppressants, covering the load, or hoods.
A.A.C. R18-2-607(A)	Failure to take reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne from the stacking, piling, or other storage of organic or inorganic dust producing materials, such as chemical stabilization, wetting, or covering.
A.A.C. R18-2-607(B)	Failure to operate stacking and reclaiming machinery at all times with a minimum fall of material and in such a manner, or with the use of spray bars and nozzles and wetting agents, as to prevent excessive amounts of particulate matter from becoming airborne.
A.A.C. R18-2-608	Failure to take reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne from construction of mineral tailings piles, such as by wetting, chemical stabilization, re-vegetation or other such means as approved by ADEQ.
A.A.C. R18-2-609	Failure to take reasonable precautions, while performing agriculture practices including tilling of land and application of fertilizers, outside the "Phoenix planning area", as defined in Title 40 Code of Federal Regulations Part 81.303, in order to prevent excessive amounts of particulate matter from becoming airborne.
A.A.C. R18-2-719(I)	Failure to record the daily sulfur content and lower heating value of the fuel being fired in an affected existing stationary gas turbine, existing oil-fired turbine, or existing internal combustion engine. Based upon information provided by the owner, operator, or fuel supplier, the sulfur content of the fuel appears to have been compliant with the applicable maximum sulfur limit.
A.A.C. R18-2-725(B)	Failure to reduce solvent emissions by at least 90% from any existing dry cleaning establishment using non-photochemically reactive petroleum solvents.

CITATION	DESCRIPTION OF MINOR VIOLATION - AIR QUALITY
A.A.C. R18-2-726	Failure to minimize dust emissions to the atmosphere from sand blasting or other abrasive blasting operations through the use of good modern practices such as wet blasting or the use of effective enclosures with dust collection equipment.
A.A.C. R18-2-727(A)	Failure to minimize organic solvent emissions from spray painting operations.
A.A.C. R18-2-727(A)	Failure to conduct spray painting operations (other than architectural coating and spot painting) in an enclosed area equipped with controls to contain no less than 96% of the over spray, minimizing organic solvent emissions.
A.A.C. R18-2-729(A)	Failure to collect fugitive dust, lint, bolls, cotton seed or other material emitted from any cotton gin or lying loose in a yard and dispose of in an efficient manner or failure to take reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne in accordance with A.A.C. R18-2-604 through A.A.C. R18-2-607.
A.A.C. R18-2-732(H)(1)	Failure to conduct an initial equipment self-inspection of an existing rural hospital/medical/infectious waste incinerator within 1 year following approval of the "State Plan" defined in A.A.C. R18-2-732(C)(3).
A.A.C. R18-2-732(H)(2)	Failure to conduct an initial equipment self-inspection of an existing rural hospital/medical/infectious waste incinerator which includes all of the elements prescribed in A.A.C. R18-2-732(2)(a) through (q).
A.A.C. R18-2-732(H)(3)	Failure to complete all necessary repairs within 10 operating days following an equipment inspection of an existing rural hospital/medical/infectious waste incinerator, where evidence available to ADEQ indicates that prior and/or continued operation of the incinerator without the repairs did not result in a reasonable probability of material harm to the public health or the environment.
A.A.C. R18-2-732(H)(4)	Failure to conduct an annual equipment inspection within 12 months following the anniversary date of a previous annually inspection of a rural hospital/medical/infectious waste incinerator.
A.A.C. R18-2-732(J)(1)	Failure to comply with the applicable reporting and record keeping requirements contained in Title 40 CFR Parts 60.58c(b), (c), (d), (e), and (f) for an existing hospital/medical/infectious waste incinerator.
A.A.C. R18-2-732(J)(2)	Failure to comply with applicable reporting and record keeping requirements listed in A.A.C. R18-2-732(J)(2)(a) and (b) for an existing rural hospital/medical/infectious waste incinerator.
A.A.C. R18-2-801(B)	Emissions of smoke or dust in excess of 40% opacity from a mobile source.
A.A.C. R18-2-802(A)	Emissions of smoke in excess of 40% opacity for any period greater than 10 consecutive seconds, from off-road machinery.

CITATION	DESCRIPTION OF MINOR VIOLATION - AIR QUALITY
A.A.C. R18-2-803	Emissions of smoke in excess of 20% opacity from a heater-planer unit operated for the purpose of reconstructing asphalt pavements.
A.A.C. R18-2-804(A)	Emissions of smoke or dust in excess of 40% opacity for any period greater than 10 consecutive seconds, from roadway and site cleaning machinery.
A.A.C. R18-2-804(B)	Failure to take reasonable precautions, such as by applying dust suppressants, to prevent particulate matter from becoming airborne from the cleaning of any site, roadway, or alley.
A.A.C. R18-2-804(B)	Failure to remove earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or other means.
A.A.C. R18-2-805(A)	Emissions of smoke from an asphalt or tar kettle in excess of 40% opacity for any period greater than 10 consecutive seconds.
A.A.C. R18-2-805(B)	Failure to operate an asphalt or tar kettle while utilizing all emissions control measures listed in A.A.C. R18-2-805(B)(1) through (6) to minimize air contaminant emissions.
A.R.S. § 49-432(B)	Failure to make air contaminant monitoring devices available for inspection by ADEQ during all reasonable times.
A.R.S. § 49-501(A)	Causing, suffering, allowing, or permitting the unlawful ignition or maintaining of any open outdoor fire.

APPENDIX L3

ASBESTOS NESHAP MAJOR VIOLATIONS

CITATION	DESCRIPTION OF MAJOR VIOLATION - ASBESTOS NESHAP
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.143	Construction or maintenance of a roadway utilizing asbestos tailings or asbestos-containing waste material.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(a)	Failure to throughly inspect an affected asbestos NESHAP facility for the presence, amounts and categories of asbestos containing materials in order to determine which notification and asbestos emissions control requirements the facility is subject to, before commencing demolition or threshold renovation activities at said facility.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(b)(1) 40 CFR § 61.145(b)(3)(i)	Failure to submit to ADEQ, a written notice of intent to demolish and/or renovate at an affected asbestos NESHAP facility at least 10 working days prior to commencement of any demolition (even when no asbestos is present) or any renovation involving threshold amounts of asbestos containing materials.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(b)(1) 40 CFR § 61.145(b)(3)(ii)	For planned renovation operations involving individual non-scheduled operations, in which it is predicted that the combined additive amount of regulated asbestos materials being removed or stripped during the entire calendar year will exceed threshold amounts; failure to submit to ADEQ, a written notice of intent to renovate at an affected asbestos NESHAP facility at least 10 working days before the end of the calendar year preceding the year for which notice is being given.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(b)(1) 40 CFR § 61.145(b)(3)(iii)	For government agency ordered demolitions or applicable emergency renovations; failure to submit to ADEQ, a written notice of intent to demolish and/or renovate at an affected asbestos NESHAP facility as early as possible before, but not later than the working day following the date of commencement of any demolition (even when no asbestos is present) or any renovation involving threshold amounts of asbestos containing materials.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(b)(1) 40 CFR § 61.145(b)(3)(iv)	For asbestos stripping or removal work in a demolition or renovation operation at an affected asbestos NESHAP facility, that will begin on a date other than the one contained in the original notification, failure to provide notice of the new start date to ADEQ in accordance with the requirements specified within Title 40 CFR Part 61.145(b)(3)(A)(*1*) and (*2*) or (B)(*1*) and (*2*).
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(b)(1) 40 CFR § 61.145(b)(3)(iv)(C)	Commencing asbestos stripping or removal work in a demolition or renovation operation at an affected asbestos NESHAP facility, on a date other than the date contained in a written notification revision to ADEQ to report a new start date.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(b)(2)	Failure to notify ADEQ with an updated written notification before the completion date of a demolition or renovation at an affected asbestos NESHAP facility when the amount of affected asbestos changes by 20% or more.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(b)(1) & (4)	For a written notice submitted to ADEQ of intent to demolish and/or renovate at an affected asbestos NESHAP facility, failure to include all of the information required within Title 40 CFR Part 61.145(b)(4)(i) through (xvii).

CITATION	DESCRIPTION OF MAJOR VIOLATION - ASBESTOS NESHAP
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(b)(1) & (5)	For a written notice submitted to ADEQ of intent to demolish and/or renovate at an affected asbestos NESHAP facility, failure to report such information on a form provided by ADEQ or similar to that shown in Figure 3 of Title 40 CFR Part 61.145.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(1)	Failure to remove all regulated asbestos containing materials (RACM) from an affected asbestos NESHAP facility prior to the commencement of any activity that would break up, dislodge, or similarly disturb the materials during demolition or renovation activities.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(2)(i)	For an asbestos NESHAP facility component that contains, or is covered with, or is coated with regulated asbestos containing materials (RACM) that is being taken out of the facility as a unit of in sections: failure to adequately wet all RACM exposed during cutting or disjoining operations.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(2)(ii)	For an asbestos NESHAP facility component that contains, or is covered with, or is coated with regulated asbestos containing materials (RACM) that is being taken out of the facility as a unit of in sections: failure to carefully lower each unit or section to the floor and to ground level, not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(3)	Failure to adequately wet regulated asbestos containing materials (RACM) while it is being stripped from a facility component while it remains in place at an affected asbestos NESHAP facility.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(3)(B)(1)	Visible emissions exhibited to the outside air from a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by stripping of regulated asbestos containing materials (RACM) from a facility component while it remains in place during renovation at an affected asbestos NESHAP facility.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(3)(B)(1)	For a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by stripping of regulated asbestos containing materials (RACM) from a facility component while it remains in place during renovation at an affected asbestos NESHAP facility, failure to operate system in accordance with the air-cleaning requirements in Title 40 CFR Part 61.152.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(3)(B)(2)	Failure to utilize an applicable glove-bag system designed and operated to contain the particulate asbestos material produced by the stripping and removal of regulated asbestos containing materials (RACM) during renovation of a facility component at an affected asbestos NESHAP facility.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(3)(B)(3)	Failure to utilize applicable leak-tight wrapping to contain all regulated asbestos containing materials (RACM) produced by the stripping and removal during renovation of a facility component at an affected asbestos NESHAP facility, prior to the dismantlement of a local exhaust ventilation and collection system.

CITATION	DESCRIPTION OF MAJOR VIOLATION - ASBESTOS NESHAP
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(4)	Failure to strip or contain in a leak-tight wrapping , facility components covered with, coated with, or containing regulated asbestos containing materials (RACM) after it has been taken out of an affected asbestos NESHAP facility as a unit or in sections.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(4)(i)	Failure to adequately wet regulated asbestos containing materials (RACM) while being stripped from facility components which have been taken out as a unit or in sections from an asbestos NESHAP facility, if no local exhaust ventilation and collection system is utilized.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(4)(ii)	Visible emissions exhibited to the outside air from a local exhaust ventilation and collection system designed and operated to capture the particulate regulated asbestos containing materials (RACM) produced during stripping from facility components which have been taken out as a unit or in sections from an asbestos NESHAP facility.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(4)(ii)	For a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by stripping of regulated asbestos containing materials (RACM) from facility components which have been taken out as a unit or in sections from an asbestos NESHAP facility, failure to operate system in accordance with the air-cleaning requirements in Title 40 CFR Part 61.152.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(5)(i)	For large facility components such as reactor vessels, large tanks, and steam generators containing regulated asbestos containing materials (RACM) located at an asbestos NESHAP facility, failure to strip the RACM prior to removing, transporting, storing, disposing of, or reusing the component, which results in the disturbance or damage of the RACM.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(5)(ii)	For large facility components such as reactor vessels, large tanks, and steam generators containing regulated asbestos containing materials (RACM) located at an asbestos NESHAP facility in which the RACM has not been stripped prior to removing, transporting, storing, disposing of, or reusing the component, failure to encase the component in leak tight wrapping.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(5)(iii)	For large facility components such as reactor vessels, large tanks, and steam generators containing regulated asbestos containing materials (RACM) located at an asbestos NESHAP facility, failure to label the leak tight wrapping in accordance with Title 40 Part 60.149(d)(1)(i)(ii) and (iii) during all loading and loading operations and during storage, or failure to strip the RACM prior to prior to removing, transporting, storing, disposing of, or reusing the component.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(6)(i)	For all regulated asbestos containing materials (RACM) that have been removed or stripped off facility components at an asbestos NESHAP facility, failure to adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with Title 40 Part 60.150.

CITATION	DESCRIPTION OF MAJOR VIOLATION - ASBESTOS NESHAP
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(6)(ii)	For all regulated asbestos containing materials (RACM) that have been removed or stripped off facility components at an asbestos NESHAP facility, failure to carefully lower the material to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(6)(iii)	For all regulated asbestos containing materials (RACM) that have been removed or stripped off facility components at an asbestos NESHAP facility, failure to transport the material to the ground via leak-tight chutes or containers if it has been removed or stripped more than 50 feet above ground level and was not removed as units or in sections.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(7)(ii)	When the temperature at the point of wetting is below 32 ºF, and wetting is not required pursuant to Title 40 CFR 60.145(7)(i), failure to remove facility components containing, coating with, or covered with regulated asbestos containing materials (RACM) at an asbestos NESHAP facility, as units or in sections to the maximum extent possible.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(7)(ii)	When the temperature at the point of wetting is below 32 ºF, wetting operations have been suspended due to freezing temperatures, and wetting is not required pursuant to Title 40 CFR 60.145(7)(i); failure to record the temperature in the area containing the facility components at the beginning, middle and end of each work day and keep daily temperature records available for inspection by ADEQ during normal business hours at the demolition or renovation site of an asbestos NESHAP facility.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(7)(ii)	When the temperature at the point of wetting is below 32 ºF, wetting operations have been suspended due to freezing temperatures, and wetting is not required pursuant to Title 40 CFR 60.145(7)(i); failure to record the temperature in the area containing the facility components at the beginning, middle and end of each work day and retain such records for at least two years.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(8)	Failure to maintain at least one on-site representative properly trained in the provisions of and in the means of complying with 40 CFR 61, Subpart M, the asbestos NESHAP, at all times during which regulated asbestos containing materials (RACM) are being stripped, removed or otherwise handled or disturbed at a regulated asbestos NESHAP facility.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(8)	Failure to post and make available for inspection by ADEQ at the demolition or renovation site, evidence that required training in the provisions of and in the means of complying with 40 CFR 61, Subpart M, the asbestos NESHAP has been completed by an on-site representative required to be present during all times during which regulated asbestos containing materials (RACM) are being stripped, removed or otherwise handled or disturbed at a regulated asbestos NESHAP facility.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(9)	For an asbestos NESHAP regulated facility being demolished under a government agency order, failure to adequately wet the portion of the facility that contains regulated asbestos containing materials (RACM) during the wrecking operation.

CITATION	DESCRIPTION OF MAJOR VIOLATION - ASBESTOS NESHAP
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.145(c)(10)	For an asbestos NESHAP regulated facility being demolished by intentional burning, failure to remove all regulated asbestos containing materials (RACM), including Category I and Category II non-friable asbestos containing materials in accordance with applicable asbestos NESHAP regulations, before burning.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.150(a)	Discharge of visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos-containing waste material generated from an asbestos NESHAP regulated facility when one of the emissions control and waste treatment methods specified in Title 40 CFR Part 61.150(a)(1) through (a)(4) was not utilized.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.150(a)(1)(iii)	After wetting of asbestos-containing waste material generated from an asbestos NESHAP regulated facility, failure to seal all asbestos-containing waste material in leak tight containers while wet, or for materials that will not fit into containers without breaking, failure to place materials into leak-tight wrapping.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.150(a)(1)(iv)	Failure to label the leak-tight containers or wrapped wetted asbestos-containing waste material generated from an asbestos NESHAP regulated facility, utilizing warning labels specified by the U.S. Occupational Safety and Health Standards of the Department of Labor, OSHA under Title 29 CFR Parts 1910.1001(j)(2) or 1926.58(k)(2)(iii), and with labels printed in letters of sufficient size and contrast so as to be readily visible and legible.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.150(a)(1)(v)	For asbestos-containing waste material to be transported off the asbestos NESHAP regulated facility, failure to label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.150(a)(2)(ii)	Discharge of visible emissions to the outside air from asbestos waste material processing operations at an asbestos NESHAP regulated facility, including incineration; or failure to use the air cleaning equipment and methods specified in Title 40 CFR 61.152 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.150(a)(3)	For facilities demolished at an asbestos NESHAP regulated facility, where the regulated asbestos containing materials (RACM) are not removed prior to demolition in accordance with Title 40 CFR Parts 61.145(c)(1)(i),(ii),(iii), and (iv) or for facilities demolished in accordance with a government agency order, failure to adequately wet asbestos-containing waste material at all times after demolition and keep wet during handling and loading for transport to a disposal site.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.150(b)(1)	Failure of the waste generator to dispose of all asbestos-containing waste material from an asbestos NESHAP regulated facility, as soon as is practical at a waste disposal site operated in accordance with the provisions of Title 40 CFR Part 61.154.

CITATION	DESCRIPTION OF MAJOR VIOLATION - ASBESTOS NESHAP
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.150(c)	Failure of the waste generator to mark vehicles used to transport asbestos-containing waste material during the loading and unloading of waste from an asbestos NESHAP regulated facility, so that the signs are visible, and in conformance with Title 40 CFR Part 61.149(d)(1)(i), (ii), and (iii).
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.150(d)(1)	Failure to maintain waste shipment records for all asbestos-containing waste material transported from an asbestos NESHAP regulated facility site using a form similar to that shown in Figure 4 of Title 40 CFR Part 61.149, and that includes all the information listed in Title 40 CFR Part 61.150(d)(1)(i) through (viii).
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.150(d)(2)	For asbestos-containing waste material transported from an asbestos-NESHAP regulated facility to an asbestos waste disposal site, failure to provide a copy of the waste shipment records to the disposal site owners or operators at the same time the waste material is delivered to the disposal site.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.150(d)(4)	Failure to report in writing to ADEQ with the information required in Title 40 CFR Part 61.150(d)(4)(i) and (ii), if a copy of the waste shipment record for asbestos-containing waste material transported from an asbestos-NESHAP regulated facility to an asbestos waste disposal site, signed by the owner or operator of the designated waste disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.150(d)(5)	Failure to maintain a copy of all waste shipment records, including copies signed by the owner or operator of the designated waste disposal site, for at least 2 years.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.150(e)	Failure to furnish upon request, and make available for inspection by ADEQ, all waste shipment records for the asbestos-containing waste material transported from an asbestos-NESHAP regulated facility to an asbestos waste disposal site, required under Title 40 CFR Part 61.150.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.151(a)(1)	Discharge of visible emissions to the outside air from an inactive waste disposal site from asbestos mills, manufacturing, or fabricating operations that have not placed and maintained cover materials atop the waste in accordance with Title 40 CFR Part 61.151(a)(2) or (3).
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.151(a)(2)	Failure to cover the asbestos-containing waste material at an inactive waste disposal site from asbestos mills, manufacturing, or fabricating operations with at least 6 inches of compacted non-asbestos containing waste material and grow and maintain a cover of vegetation on the area adequate to prevent exposure to asbestos-containing waste material.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.151(a)(2)	Failure to cover the asbestos-containing waste material at an inactive waste disposal site from asbestos mills, manufacturing, or fabricating operations with at least 6 inches of compacted non-asbestos containing waste material and place at least an additional 3 inches of well-graded non-asbestos crushed rock and maintain it to prevent exposure to asbestos-containing waste material.

CITATION	DESCRIPTION OF MAJOR VIOLATION - ASBESTOS NESHAP
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.151(a)(3)	Failure to cover the asbestos-containing waste material at an inactive waste disposal site from asbestos mills, manufacturing, or fabricating operations with at least 2 feet of compacted non-asbestos containing waste material maintain it to prevent exposure to asbestos-containing waste material.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.151(a)(4)	For inactive waste disposal sites for asbestos tailings, failure to utilize an appropriate dust suppression agent that effectively binds dust to control surface air emissions, and/or failure to use the agent in the manner and frequency recommended for the particular asbestos tailings by the manufacturer.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.151(b)	For inactive asbestos waste disposal sites from asbestos mills, manufacturing, or fabricating operations, at which cover material has not been utilized in accordance with Title 40 CFR Part 61.151(a)(2) or (a)(3); failure to install and maintain warning signs and fencing which comply with Title 40 CFR Part 61.151(b)(1) and (2) to deter access by the general public.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.151(d)	For inactive asbestos waste disposal sites from asbestos mills, manufacturing, or fabricating operations, failure to notify ADEQ in writing at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material, and/or failure to provide all information in the notice required by Title 40 CFR Part 61.151(d)(1) through (4).
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.151(e)	Failure to record in accordance with Arizona law, a notation on the deed to the facility property of any asbestos waste disposal site from asbestos mills, manufacturing, or fabricating operations, within 60 days of a site becoming inactive or after March 31, 1971, with information required by Title 40 CFR Part 61.151(e)(1) through (3) to in perpetuity notify any potential purchaser of the property that land has been used for the disposal of asbestos-containing waste material.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.153(a)(5)	For any active or inactive asbestos waste disposal sites (subject to Title 40 CFR Part 61.151 or 61.154), failure to notify ADEQ and the USEPA Region IX in writing at least 90 days prior to the initial start up date of a new active site or within 30 days after a change to an existing site with the following information: a brief description of the site; and the methods used to comply with the applicable standards.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.154(a)	Discharge of visible emissions to the outdoor air from any active waste disposal site where asbestos-containing waste material has been deposited, and where the owner or operator has failed to meet all daily cover or alternative emissions control method requirements of Title 40 CFR Parts 61.154(c) or (d).
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.154(b)	For active asbestos waste disposal sites for asbestos-containing waste material, failure to install and maintain warning signs and fencing which comply with Title 40 CFR Part 61.154(b)(1) and (2) to deter access by the general public.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.154(c)	For active asbestos waste disposal sites for asbestos-containing waste material which have opted not to meet the no visible emissions requirement in Title 40 CFR Part 61.154(a), failure to meet the daily cover requirements listed in Title 40 CFR Part 61.154(c)(1) or (c)(2).

CITATION	DESCRIPTION OF MAJOR VIOLATION - ASBESTOS NESHAP
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.154(e)(1)	For active asbestos waste disposal sites, failure to maintain waste shipment records for all asbestos-containing waste material received using a form similar to that shown in Figure 4 of Title 40 CFR Part 61.149, and including all of the information required in Title 40 CFR Part 61.154(e)(1)(i) through (v).
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.154(e)(2)	For active asbestos waste disposal sites, failure to send a copy of the signed waste shipment record to the waste generator no later than 30 days after receipt of the waste, for all asbestos-containing waste material received.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.154(e)(3)	For active asbestos waste disposal sites, upon discovery of a discrepancy between the quantity of waste designated on the waste shipment records and the quantity actually received, and the discrepancy is not resolved with the waste generator within 15 days after receiving the waste, failure to immediately notify ADEQ in writing describing the discrepancy, the attempts to reconcile it, and providing a copy of the waste shipment record.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.154(f)	For active asbestos waste disposal sites, failure to maintain, until closure, records of the location, depth, area, and quantity of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.154(g)	For active asbestos waste disposal sites, failure to comply upon the date of closure, with all of the standards for inactive asbestos waste disposal sites prescribed by Title 40 CFR Part 61.151.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.154(h)	For active asbestos waste disposal sites, failure to submit to ADEQ upon the date of closure, a copy of records of asbestos waste disposal locations and quantities.
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.154(i)	For active asbestos waste disposal sites, failure to furnish upon request, and make available during normal business hours for inspection by ADEQ, all waste shipment records required to be maintained by Title 40 CFR Part 61.154(e) and (f).
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.154(j)	Failure to notify ADEQ in writing at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at an active waste disposal site and is covered, which contains all the information specified in Title 40 CFR Part 61.154(j)(1) through (4).
A.A.C. R18-2-1101(A)(8) 40 CFR § 61.154(j)	For an owner or operator that has already submitted a notification to ADEQ prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at an active waste disposal site and is covered, and if the excavation will begin on a date other than contained in the original notice, failure to notify ADEQ in writing at least 10 working days before the excavation begins of the new start date which contains all the information specified in Title 40 CFR Part 61.154(j)(1) through (4).

APPENDIX L4

DRINKING WATER MAJOR MONITORING & REPORTING VIOLATIONS

CITATION	DESCRIPTION OF MAJOR VIOLATION - DRINKING WATER M&R
A.A.C. R18-4-104(A)	Failure to report a total coliform test result to ADEQ within the first ten days following the end of the monitoring period for four or more months in a twelve month period.
A.A.C. R18-4-104(A)	Failure to report a total coliform test result to ADEQ within the first ten days following the end of the monitoring period for two or more consecutive months.
A.A.C. R18-4-104(A)	Failure to report a total coliform test result to ADEQ within the first ten days following the end of the monitoring period for two or more months in a calendar year for a seasonal public water system.
A.A.C. R18-4-104(A)	Failure to report a turbidity test result to ADEQ within the first ten days following the end of the monitoring period for two or more consecutive monitoring periods.
A.A.C. R18-4-104(A)	Failure to report an inorganic test result to ADEQ for a groundwater system within the first ten days following the end of the monitoring period for six consecutive years.
A.A.C. R18-4-104(A)	Failure to report an inorganic test result to ADEQ for a surface water system within the first ten days following the end of the monitoring period for two consecutive years.
A.A.C. R18-4-104(A)	Failure to report an asbestos test result to ADEQ within the first ten days following the end of the monitoring period for nine consecutive years.
A.A.C. R18-4-104(A)	Failure to report a nitrate test result to ADEQ for a groundwater system within the first ten days following the end of the monitoring period for two consecutive years.
A.A.C. R18-4-104(A)	Failure to report a nitrate test result to ADEQ for a surface water system within the first ten days following the end of the monitoring period for two consecutive quarters.
A.A.C. R18-4-104(A)	Failure to report a nitrite test result to ADEQ within the first ten days following the end of the monitoring period for nine consecutive years.
A.A.C. R18-4-104(A)	Failure to report a volatile organic chemical test result to ADEQ for a groundwater system within the first ten days following the end of the monitoring period for six consecutive years.
A.A.C. R18-4-104(A)	Failure to report a volatile organic chemical test result to ADEQ for a surface water system within the first ten days following the end of the monitoring period for two consecutive years.
A.A.C. R18-4-104(A)	Failure to report a synthetic organic chemical test result to ADEQ within the first ten days following the end of the monitoring period for six consecutive years.
A.A.C. R18-4-104(A)	Failure to report a lead and copper test result to ADEQ within the first ten days following the end of the monitoring period for three consecutive years.

CITATION	DESCRIPTION OF MAJOR VIOLATION - DRINKING WATER M&R
A.A.C. R18-4-104(A)	Failure to report a combined radium-226 and radium-228 test result to ADEQ within the first ten days following the end of the monitoring period for eight consecutive years.
A.A.C. R18-4-104(A)	Failure to report a gross alpha particle activity test result to ADEQ within the first ten days following the end of the monitoring period for eight consecutive years.
A.A.C. R18-4-104(A)(3)	Failure to report a total trihalomethanes test result to ADEQ within 30 days of receipt of the last analytical results of the previous quarter for two or more consecutive monitoring periods.
A.A.C. R18-4-202(A)(1)	Failure to comply with the MCL for total coliform; analytical results submitted to ADEQ confirmed that more than 5% of the 40 or more monthly routine and repeat samples collected tested total coliform positive for three or more consecutive months
A.A.C. R18-4-202(A)(2)	Failure to comply with the MCL for total coliform; analytical results submitted to ADEQ confirmed that more than one sample of the fewer than 40 monthly routine and repeat samples collected tested total coliform positive for three or more consecutive months
A.A.C. R18-4-202(A)(3)	Failure to comply with the MCL for total coliform bacteria; a repeat sample tested fecal coliform positive or *E. coli* positive for four or more samples in a twelve month period
A.A.C. R18-4-202(A)(4)	Failure to comply with the MCL for total coliform when a fecal coliform positive or *E. coli* positive routine sample is followed by a total coliform positive sample for two or more consecutive months
A.A.C. R18-4-204(A)(1)	Distribution of water in excess of the interim monthly average MCL for turbidity for four or more samples in a twelve month period
A.A.C. R18-4-204(A)(2)	Distribution of water in excess of the interim two day average MCL for turbidity for four or more samples in a twelve month period
A.A.C. R18-4-205	Distribution of water in excess of the MCL for an inorganic chemical that also exceeds the short term acceptable risk to health level
A.A.C. R18-4-205	Distribution of water in excess of the MCL for nitrate
A.A.C. R18-4-205	Distribution of water in excess of the MCL for nitrite that also exceeds the short term acceptable risk to health level
A.A.C. R18-4-211	Distribution of water in excess of the MCL for a volatile organic chemical that also exceeds the short term acceptable risk to health level
A.A.C. R18-4-214(B)	Exceedance of the MCL for total trihalomethanes that also exceeds the short term acceptable risk to health level
A.A.C. R18-4-215	Distribution of water in excess of the MCL for a synthetic organic chemical that also exceeds the short term acceptable risk to health level
A.A.C. R18-4-217(A)(1)	Distribution of water in excess of MCL for combined radium-226 and radium-228 that also exceeds the short term acceptable risk to health level

CITATION	DESCRIPTION OF MAJOR VIOLATION - DRINKING WATER M&R
A.A.C. R18-4-217(A)(2)	Distribution of water in excess of the MCL for gross alpha particle activity that also exceeds the short term acceptable risk to health level
A.A.C. R18-4-302(B)	Exceedance of the limit for turbidity in conventional or direct filtered water in at least 95% of the monthly measurements for four or more samples in a twelve month period
A.A.C. R18-4-302(B)	Exceedance of the single sample limit for turbidity in conventional or direct filtered water for four or more samples in a twelve month period
A.A.C. R18-4-302(C)	Exceedance of the limit for turbidity in slow sand filtered water in at least 95% of the monthly measurements for four or more samples in a twelve month period
A.A.C. R18-4-302(C)	Exceedance of the single sample limit for turbidity in slow sand filtered water for four or more samples in a twelve month period
A.A.C. R18-4-302(D)	Exceedance of the limit for turbidity in diatomaceous earth filtered water in at least 95% of the monthly measurements for four or more samples in a twelve month period
A.A.C. R18-4-302(D)	Exceedance of the single sample limit for turbidity in diatomaceous earth filtered water for four or more samples in a twelve month period

APPENDIX L5

DRINKING WATER MAJOR VIOLATIONS

CITATION	DESCRIPTION OF MAJOR VIOLATION - DRINKING WATER
A.A.C. R18-4-104(A)(1)	Failure to notify ADEQ as soon as possible but no later than 24 hours after receiving notice of a fecal coliform-positive or *E. coli* positive test result
A.A.C. R18-4-104(A)(2)	Failure to notify ADEQ within 24 hours of receipt of analytical results indicating a routine nitrate sample exceeded the MCL
A.A.C. R18-4-104(B)(1)	Failure to notify ADEQ as soon as possible but no later than 24 hours after receipt of analytical results indicating a total coliform MCL violation.
A.A.C. R18-4-104(D)(4)	Failure to notify ADEQ as soon as possible but no later than 24 hours after a residual disinfection concentration falls below 0.2 mg/L in water entering the distribution system, and whether it was restored to 0.2 mg/L within 4 hours
A.A.C. R18-4-104(L)	Failure to notify ADEQ within 48 hours of the discovery of a failure to comply with a monitoring requirement.
A.A.C. R18-4-104(L)	Failure to notify ADEQ within ten days of the discovery of the failure to comply with a total coliform monitoring requirement.
A.A.C. R18-4-104(O)	Failure to notify ADEQ as soon as possible, but no later than 24 hours after the occurrence of a waterborne disease outbreak that may be attributable to the water provided
A.A.C. R18-4-105(C)(1)	Failure to provide public notice to a consecutive drinking water system
A.A.C. R18-4-105(D)(1)(Table 2)(1)	Failure to provide acute (24 hour) public notice after receipt of analytical results of a violation of the MCL for total coliform when fecal or *E. coli* were present in the distribution system, as specified in R18-4-202(A)(3) or R18-4-202(A)(4)
A.A.C. R18-4-105(D)(1)(Table 2)(10)	Failure to provide acute (24 hour) public notice after the occurrence of a waterborne disease outbreak or other waterborne emergency with significant potential to have serious adverse effects on human health as a result of short-term exposure because of the failure or interruption of key water treatment processes
A.A.C. R18-4-105(D)(1)(Table 2)(10)	Failure to provide acute (24 hour) public notice after the occurrence of a waterborne disease outbreak or other waterborne emergency with significant potential to have serious adverse effects on human health as a result of short-term exposure because of a natural disaster that disrupted the water supply or distribution system
A.A.C. R18-4-105(D)(1)(Table 2)(10)	Failure to provide acute (24 hour) public notice after the occurrence of a waterborne disease outbreak or other waterborne emergency with significant potential to have serious adverse effects on human health as a result of short-term exposure because of a chemical spill

CITATION	DESCRIPTION OF MAJOR VIOLATION - DRINKING WATER
A.A.C. R18-4-105(D)(1)(Table 2)(10)	Failure to provide acute (24 hour) public notice after the occurrence of a waterborne disease outbreak or other waterborne emergency with significant potential to have serious adverse effects on human health as a result of short-term exposure because of an unexpected loading of possible pathogens into the source water that significantly increased the potential for drinking water contamination
A.A.C. R18-4-105(D)(1)(Table 2)(2)	Failure to provide acute (24 hour) public notice for the failure to test for fecal coliforms or *E. coli* when a repeat sample tested positive for total coliform
A.A.C. R18-4-105(D)(1)(Table 2)(3)	Failure to provide acute (24 hour) public notice for violation of the MCL for nitrate in R18-4-205
A.A.C. R18-4-105(D)(1)(Table 2)(3)	Failure to provide acute (24 hour) public notice for a violation of the MCL for nitrite in R18-4-205
A.A.C. R18-4-105(D)(1)(Table 2)(3)	Failure to provide acute (24 hour) public notice for a violation of the MCL for total nitrate and nitrite in R18-4-205
A.A.C. R18-4-105(D)(1)(Table 2)(4)	Failure to provide acute (24 hour) public notice for the failure to take a confirmation sample within 24 hours of receipt of the initial sample showing a violation of the nitrate MCL as specified in R18-4-208(I)
A.A.C. R18-4-105(D)(1)(Table 2)(4)	Failure to provide acute (24 hour) public notice for the failure to take a confirmation sample within 24 hours of receipt of the initial sample showing a violation of the nitrite MCL as specified in R18-4-209(J)
A.A.C. R18-4-105(D)(1)(Table 2)(5)	Failure to provide acute (24 hour) public notice for the violation of the alternate nitrate MCL of 20 mg/L by a noncommunity water system where permitted to exceed the MCL of 10 mg/L by the Department under R18-4-205
A.A.C. R18-4-105(D)(1)(Table 2)(6)	Failure to provide acute (24 hour) public notice for violation of the MRDL for chlorine dioxide at the point of entry into the distribution system when one or more samples collected in the distribution system the day following a violation of the MRDL
A.A.C. R18-4-105(D)(1)(Table 2)(7)	Failure to provide acute (24 hour) public notice for the failure to take the required chlorine dioxide samples in the distribution system as required in R18-4-214.01(J)(2) or R18-4-214.02(I)(2)
A.A.C. R18-4-105(D)(1)(Table 2)(8)	Failure to provide acute (24 hour) public notice for violation of the interim MCL for turbidity, as specified in R18-4-204(A)(2), when ADEQ has determined that notice is required, or if consultation has not taken place within 24 hours after the system learned of the violation subject to R18-4-105(E)(2)(b)(1)
A.A.C. R18-4-105(D)(1)(Table 2)(9)	Failure to provide acute (24 hour) public notice for violation of the maximum turbidity limit specified in R18-4-302 for the filtration technology used, when ADEQ has determined public notice is required, or if consultation has not taken place within 24 hours after the system learned of the violation, subject to R18-4-105(E)(2)(b)

CITATION	DESCRIPTION OF MAJOR VIOLATION - DRINKING WATER
A.A.C. R18-4-105(D)(2)(c)	Failure to provide repeat Acute (24 hour) public notice every three months from the date the water system learned of the violation or situation for as long as the violation or situation existed
A.A.C. R18-4-105(E)(1)(Table 3)(1)	Failure to provide Nonacute Level 1 (30 day) public notice for violation of a MCL where Acute (24 hour) public notice was not required
A.A.C. R18-4-105(E)(1)(Table 3)(1)	Failure to provide Nonacute Level 1 (30 day) public notice for violation of a MRDL where Acute (24 hour) public notice was not required
A.A.C. R18-4-105(E)(1)(Table 3)(1)	Failure to provide Nonacute Level 1 (30 day) public notice for violation of a treatment technique where Acute (24 hour) public notice was not required
A.A.C. R18-4-105(E)(1)(Table 3)(2)	Failure to provide Nonacute Level 1 (30 day) public notice for violation of a monitoring requirement, when ADEQ has determined that a Nonacute Level 1 (30 day) public notice rather than a Nonacute Level 2 (12 month) public notice is required taking into account potential health impacts and persistence of the violation
A.A.C. R18-4-105(E)(1)(Table 3)(3)	Failure to provide Nonacute Level 1 (30 day) public notice for failing to comply with the terms and conditions of a variance granted to the public water system
A.A.C. R18-4-105(E)(1)(Table 3)(3)	Failure to provide Nonacute Level 1 (30 day) public notice for failing to comply with the terms and conditions of an exemption granted to the public water system
A.A.C. R18-4-105(E)(2)(c)	Failure to provide repeat Nonacute Level 1 (30 day) public notice once every three months from the date the water system learned of the violation or situation for as long as the violation or situation existed
A.A.C. R18-4-114	Failure to provide a certified operator of the proper type and grade to operate a water treatment plant
A.A.C. R18-4-114	Failure to provide a certified operator of the proper type and grade to operate a water distribution system
A.A.C. R18-4-115(B)(1)	Failure to cause a backflow-prevention assembly to be installed when a substance harmful to human health is handled in a manner which could permit its entry into a public water system
A.A.C. R18-4-115(B)(2)	Failure to cause a backflow-prevention assembly to be installed when a source of water supply exists on the user's premises which is not accepted as an additional source by the water supplier and has not been approved by ADEQ.
A.A.C. R18-4-115(B)(3)	Failure to cause a backflow-prevention assembly to be installed when an unprotected cross-connection exists or a cross-connection problem has previously occurred within a user's premises

CITATION	DESCRIPTION OF MAJOR VIOLATION - DRINKING WATER
A.A.C. R18-4-115(B)(4)	Failure to cause a backflow-prevention assembly to be installed when there is a significant possibility that a cross-connection problem will occur and entry to the premises is restricted to the extant that cross-connection inspections cannot be made with sufficient frequency or on sufficiently short notice to assure that unprotected cross-connections do not exist
A.A.C. R18-4-115(D)(1)	Installation of a required backflow-prevention assembly (equipped with test cocks) without a certificate of approval by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research, or such other third-party certifying entity, unrelated to the product's manufacturer or vendor
A.A.C. R18-4-115(D)(2)	Installation of a required backflow-prevention assembly (not equipped for testing) without approval by a third- party certifying entity, unrelated to the product's manufacturer or vendor.
A.A.C. R18-4-115(E)	Failure to provide the minimum level of backflow protection to protect a public water system when backflow prevention required.
A.A.C. R18-4-115(E)(2)(a)	Failure to install a required backflow prevention assembly in accordance with manufacturer's specifications.
A.A.C. R18-4-115(E)(2)(b)	Failure to ensure that all piping between the user's connection and the receiving tank is entirely visible unless when using an air gap to meet a backlfow prevention requirement
A.A.C. R18-4-115(E)(2)(d)	Installation of a pressure vacuum breaker assembly to meet a backflow prevention requirement for a landscape water irrigation system without meeting all of the required criteria.
A.A.C. R18-4-115(F)	Failure to test a required backflow prevention assembly at least annually or as directed by ADEQ.
A.A.C. R18-4-115(F)	Failure to test a required backflow prevention assembly after installation, relocation or repair.
A.A.C. R18-4-115(F)(1)	Failure to test a required backflow prevention assembly in accordance with the Manual of Cross Connection Control.
A.A.C. R18-4-115(F)(2)	Failure to ensure that the testing of a required backflow prevention assembly is performed by a person holding a valid “general” tester certification.
A.A.C. R18-4-115(F)(3)	Failure to repair or replace a required backflow prevention assembly after being tested and found to be defective
A.A.C. R18-4-115(G)	Failure to make available to ADEQ records of all backflow-prevention assembly installations and tests performed on backflow-prevention assemblies in a service area.
A.A.C. R18-4-115(H)	Failure to submit a written cross-connection incident report to ADEQ and the local health authority within 5 business days after a cross-connection problem has occurred which resulted in contamination of the public water system.

CITATION	DESCRIPTION OF MAJOR VIOLATION - DRINKING WATER
A.A.C. R18-4-115(H)(1)	Failure include the date and time of discovery of the unprotected cross-connection in a written cross-connection incident report to ADEQ
A.A.C. R18-4-115(H)(2)	Failure include the nature of the cross-connection problem in a written cross-connection incident report to ADEQ
A.A.C. R18-4-115(H)(3)	Failure include the affected area in a written cross-connection incident report to ADEQ
A.A.C. R18-4-115(H)(4)	Failure include the cause of the cross-connection problem in a written cross-connection incident report to ADEQ
A.A.C. R18-4-115(H)(5)	Failure include the public health impact in a written cross-connection incident report to ADEQ
A.A.C. R18-4-115(H)(6)	Failure include the dates and texts of any pubic health advisories issued in a written cross-connection incident report to ADEQ
A.A.C. R18-4-115(H)(7)	Failure include the corrective actions taken in a written cross-connection incident report to ADEQ
A.A.C. R18-4-115(H)(8)	Failure include the date of completion of the corrective actions in a written cross-connection incident report to ADEQ
A.A.C. R18-4-115(I)	Failure to ensure that the person with direct responsibility for implementing a backflow prevention program for a water system serving more than 50,000 persons is licensed as a “cross-connection program specialist”.
A.A.C. R18-4-116(A)	Failure to develop and keep an emergency operations plan in an easily accessible location.
A.A.C. R18-4-116(A)	Failure to develop and keep an adequate emergency operations plan.
A.A.C. R18-4-119(A)	Addition of a product to water during production or treatment that does not conform to American National Standards Institute / NSF International Standard 60-1996a.
A.A.C. R18-4-119(B)	Failure to ensure that a material or product that comes in contact with water or with water treatment chemicals conforms with American National Standards Institute / NSF International Standard 61-1997(b).
A.A.C. R18-4-124	Failure to maintain and keep in proper operating condition a facility used in the production, treatment, or distribution of a water supply.
A.A.C. R18-4-125(A)	Delivery of hauled water to a public water system from a source that has not received an approval to construct from ADEQ and is not a regulated public water system.
A.A.C. R18-4-125(B)	Failure to ensure that all materials or products that come in contact with hauled water or with hauled water treatment chemicals conforms with American National Standards Institute / NSF International Standard 61-1997(b).
A.A.C. R18-4-125(F)	Failure to maintain a residual free chlorine level of 0.2 mg/l to 1.0 mg/l in water that is hauled in a water transport container.

CITATION	DESCRIPTION OF MAJOR VIOLATION - DRINKING WATER
A.A.C. R18-4-125(F)	Failure to add a chlorine disinfectant at the time water is loaded into a container used to haul drinking water.
A.A.C. R18-4-125(G)	Use of container used to transport something other than drinking water to transport hauled drinking water
A.A.C. R18-4-202(C)	Failure to collect total coliform samples at a site which is representative of water throughout the distribution system according to a written site sampling plan that has been approved by ADEQ
A.A.C. R18-4-202(E)	Failure to conduct monthly monitoring to determine compliance with the MCL for total coliform bacteria
A.A.C. R18-4-202(H)	Failure to collect a repeat samples within 24 hours of receiving notice that a routine sample tested positive for total coliform
A.A.C. R18-4-202(I)	Failure to collect at least five routine total coliform bacteria samples in the month following a total coliform positive test result
A.A.C. R18-4-204(B)	Failure to take a daily turbidity sample
A.A.C. R18-4-204(C)	Failure to take a turbidity confirmation sample as soon as practicable after a measurement exceeded 5 NTUs
A.A.C. R18-4-204(C)	Failure to report a turbidity exceedance to ADEQ within 48 hours
A.A.C. R18-4-221(A)	Failure to obtain written approval from ADEQ prior to use of a blending plan to achieve compliance with an MCL
A.A.C. R18-4-301(A)(1)	Failure to provide filtration and disinfection which reliably achieves at least a 99.9% (3-log) removal and inactivation of Giardia lamblia cysts between a point where raw water is not subject to recontamination by surface water runoff and a point downstream from the first customer
A.A.C. R18-4-301(A)(2)	Failure to provide filtration and disinfection which reliably achieves at least a 99.99% (4-log) removal and inactivation of viruses between a point where raw water is not subject to recontamination by surface water runoff and a point downstream from the first customer
A.A.C. R18-4-301(C)	Failure to provide filtration and disinfection within 18 months of the date ADEQ determines that the groundwater is under the direct influence of surface water
A.A.C. R18-4-302(A)	Failure to treat surface water by filtration
A.A.C. R18-4-303(A)	Failure to provide disinfection sufficient to ensure that the total treatment process of the system achieves at least a 99.9% (3-log) inactivation of and removal of Giardia lamblia cysts
A.A.C. R18-4-303(A)	Failure to provide disinfection sufficient to ensure that the total treatment process of the system achieves at least a 99.99% (4-log) inactivation and removal of viruses
A.A.C. R18-4-303(B)	Residual disinfection concentration in water entering the distribution system less than 0.2 mg/L for more than four consecutive hours

CITATION	DESCRIPTION OF MAJOR VIOLATION - DRINKING WATER
A.A.C. R18-4-303(B)(2)(b)	Failure to increase the frequency of residual disinfection concentration grab samples to once every 4 hours until the concentration is greater than or equal to 0.2 mg/L
A.A.C. R18-4-304(A)(1)	If required by ADEQ, failure to provide ADEQ required disinfection for a groundwater system when there has been a violation of a maximum contaminant level for total coliform.
A.A.C. R18-4-304(A)(2)	If required by ADEQ, failure to provide ADEQ required disinfection for a groundwater system when the system has failed to comply with monitoring requirements for total coliform.
A.A.C. R18-4-304(A)(3)	If required by ADEQ, failure to provide ADEQ required disinfection for a groundwater system when there is a reasonable probability of microbiological contamination of the groundwater.
A.A.C. R18-4-317(A)(1)	Use of Acrylamide in a public water system at a level greater than 0.05% dosed at 1 ppm (or equivalent)
A.A.C. R18-4-317(A)(2)	Use of Epichlorohydrin in a public water system at a level greater than 0.01% dosed at 20 ppm (or equivalent)
A.A.C. R18-4-317(B)	Failure to certify in writing to ADEQ at least annually using a third-party or manufacturer's certification that the product of the dose and monometer level of Acrylamide or Epichlorohydrin does not exceed the prescribed levels
A.A.C. R18-4-502(B)	Failure to maintain a pressure of at least 20 pounds per square inch at ground level at all points in the potable water distribution system under all conditions of flow.
A.A.C. R18-4-503(A)	Failure to provide the required minimum storage capacity for a community water system or a noncommunity water system that serves a residential population or a school.
A.A.C. R18-4-505(B)	Failure to obtain an Approval to Construct from ADEQ prior to construction of a new public water system
A.A.C. R18-4-505(B)	Failure to obtain an Approval to Construct from ADEQ prior to modifying an existing public water system
A.A.C. R18-4-505(B)	Failure to obtain an Approval to Construct from ADEQ prior to construction of a an extension to an existing public water system
A.A.C. R18-4-505(B)	Failure to obtain an Approval to Construct from ADEQ prior to making an alteration which will affect treatment, capacity, water quality, flow, distribution, or operation performance of a public water system.
A.A.C. R18-4-506	Failure to obtain ADEQ approval in writing before undertaking construction affected by a change in the ADEQ approved design which will affect water quality, capacity, flow, sanitary features, or performance
A.A.C. R18-4-507(A)	Failure to obtain an Approval of Construction from ADEQ prior to operation of a newly constructed public water system

CITATION	DESCRIPTION OF MAJOR VIOLATION - DRINKING WATER
A.A.C. R18-4-507(A)	Failure to obtain an Approval of Construction from ADEQ prior to operation of an extension to an existing public water system
A.A.C. R18-4-507(A)	Failure to obtain an Approval of Construction from ADEQ prior to operation of an alteration of an existing public water system which affects it treatment, capacity, water quality, flow, distribution, or operational performance
A.A.C. R18-4-507(A)	Failure to obtain an Approval of Construction from ADEQ prior to operation of an extension to an existing public water system resulting in a reasonable probability of material harm to public health
A.A.C. R18-4-507(A)	Failure to obtain an Approval of Construction from ADEQ prior to operation of an alteration of an existing public water system which affects its treatment, capacity, water quality, flow, distribution, or operational performance resulting in a reasonable probability of material harm to public health
A.A.C. R18-4-509	Failure to obtain ADEQ approval in writing before making a modification to an existing water treatment process
A.A.C. R18-4-509	Failure to comply with the ADEQ approved plans for modifying an existing water treatment process.
A.A.C. R18-5-104(A)(2)	Failure to ensure that the operator in direct responsible charge of the facility is certified for the class of facility at which the operator works, and at or above the grade of the facility for which the operator works;
A.A.C. R18-5-104(A)(4)	Failure to ensure that an operator who replaces the operator in direct responsible charge does not begin operation of the facility before being certified for the applicable class and grade of the facility
A.A.C. R18-5-104(A)(5)	Failure to ensure that in the absence of the operator in direct responsible charge, the operator in charge of the facility is certified for the applicable class of facility and at a grade no lower than one grade below the grade of the facility
A.A.C. R18-5-104(D)	Failure to ensure that an operator holding certification in a particular class and grade only operates a facility of the same class and the same or lower grade for which the operator is certified
A.A.C. R18-5-104(E)	Failure to ensure that a Grade 3 facility has an onsite operator
A.A.C. R18-5-104(E)	Failure to ensure that a Grade 4 facility has an onsite operator
A.A.C. R18-5-116(C)	Failure to ensure that a facility is operated by a properly certified operator within one year of the effective date of a facility regrading

APPENDIX L6

DRINKING WATER MINOR VIOLATIONS

CITATION	DESCRIPTION OF MINOR VIOLATION - DRINKING WATER
A.A.C. R18-4-103(A)(1)	Failure to retain on the premises, or at a convenient location near the premises, records of bacteriological analyses, including records of analyses for total coliform, fecal coliform, Escherichia coli (E. coli), and heterotrophic bacteria for at least 5 years
A.A.C. R18-4-103(A)(2)	Failure to retain on the premises, or at a convenient location near the premises, records of chemical analyses for at least 10 years
A.A.C. R18-4-103(A)(3)	Failure to retain on the premises, or at a convenient location near the premises, records of actions taken to correct violations for at least 3 years after the last action taken to correct the violation
A.A.C. R18-4-103(A)(4)	Failure to retain on the premises, or at a convenient location near the premises, records concerning a variance or exemption granted to the public water system for at least 5 years after the expiration of the variance or exemption
A.A.C. R18-4-103(A)(5)	Failure to retain on the premises, or at a convenient location near the premises, copies of written reports, summaries, or communications relating to a sanitary survey for at least 10 years after completion of the sanitary survey
A.A.C. R18-4-103(A)(6)	Failure to retain on the premises, or at a convenient location near the premises, records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, ADEQ determinations, and any other information required by rule for at least 12 years
A.A.C. R18-4-103(A)(7)(a)	Failure to retain on the premises, or at a convenient location near the premises for at least 10 years, records of turbidity measurements, including the number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the turbidity limits specified for the filtration technology used
A.A.C. R18-4-103(A)(7)(b)	Failure to retain on the premises, or at a convenient location near the premises for at least 10 years, the date and value of any turbidity measurement taken during a month that exceeds 5 NTUs
A.A.C. R18-4-103(A)(7)(c)	Failure to retain on the premises, or at a convenient location near the premises for at least 10 years, records of the lowest residual disinfectant concentration (in mg/L) in water entering the distribution system for each day that each water treatment plant operates
A.A.C. R18-4-103(A)(7)(d)	Failure to retain on the premises, or at a convenient location near the premises for at least 10 years, records of the residual disinfectant concentration (in mg/L) in water for each sampling site in the distribution system
A.A.C. R18-4-103(A)(7)(e)	Failure to retain on the premises, or at a convenient location near the premises for at least 10 years, records of analyses for heterotrophic bacteria if HPC is measured instead of residual disinfectant concentration in the distribution system

CITATION	DESCRIPTION OF MINOR VIOLATION - DRINKING WATER
A.A.C. R18-4-103(B)	Failure to keep the original laboratory reports of drinking water analyses or copies of ADEQ-approved reporting forms
A.A.C. R18-4-104(B)	Failure to notify ADEQ of an MCL violation within 48 hours of receipt of analytical results that indicate a violation
A.A.C. R18-4-104(B)(2)	Failure to notify ADEQ as soon as possible but no later than 24 hours after receipt of analytical results that confirm a nitrate MCL violation
A.A.C. R18-4-104(B)(2)	Failure to notify ADEQ as soon as possible but no later than 24 hours after receipt of analytical results that confirm a nitrite MCL violation
A.A.C. R18-4-104(B)(3)(a)	Failure to notify ADEQ within the first 10 days following the end of the month when the turbidity arithmetic average of daily samples taken during the month exceed one NTU
A.A.C. R18-4-104(B)(3)(b)	Failure to notify ADEQ within 48 hours of receipt of turbidity analytical results for the second daily sample if the arithmetic average of the results of daily samples taken on two consecutive days exceeds 5 NTUs
A.A.C. R18-4-104(C)(4)	Failure to notify ADEQ as soon as possible but no later than 24 hours after the turbidity of filtered water exceeded 5 NTUs as prescribed for the filtration technology used
A.A.C. R18-4-104(L)	Failure to notify ADEQ within 48 hours of the discovery of a failure to comply with a monitoring requirement
A.A.C. R18-4-104(Q)	Failure to submit to ADEQ within ten days of the completion of a public notice, a representative copy of each type of public notice and an affidavit that describes how the public notice was provided
A.A.C. R18-4-105(F)(1)(Table 4)(1)	Failure to provide Nonacute Level 2 (12 month) public notice for a monitoring violation where an Acute (24 hour) public notice or a Nonacute Level 1 (30 day) public notice is not required
A.A.C. R18-4-105(F)(1)(Table 4)(2)	Failure to provide Nonacute Level 2 (12 month) public notice of the operation of the water system under a variance
A.A.C. R18-4-105(F)(1)(Table 4)(2)	Failure to provide Nonacute Level 2 (12 month) public notice of the operation of the water system under an exemption
A.A.C. R18-4-105(F)(1)(Table 4)(3)	Failure to provide Nonacute Level 2 (12 month) public notice of the availability of unregulated contaminant monitoring results required by 40 CFR § 141.40
A.A.C. R18-4-105(F)(1)(Table 4)(4)	Failure to provide Nonacute Level 2 (12 month) public notice for distributing water with a concentration of fluoride greater than 2.0 mg/L but less than 4.0 mg/L
A.A.C. R18-4-105(F)(2)(c)	Failure to provide repeat Nonacute Level 2 (12 month) public notice annually for as long as the violation or situation exists
A.A.C. R18-4-105(F)(2)(c)	Failure to provide repeat Nonacute Level 2 (12 month) public notice annually for as long as a variance exists

CITATION	DESCRIPTION OF MINOR VIOLATION - DRINKING WATER
A.A.C. R18-4-105(F)(2)(c)	Failure to provide repeat Nonacute Level 2 (12 month) public notice annually for as long as the exemption exists
A.A.C. R18-4-105(F)(2)(c)	Failure to provide repeat Nonacute Level 2 (12 month) public notice annually for as long as the situation exists
A.A.C. R18-4-115(E)(2)(c)	Installation of a reduced pressure principle backflow prevention assembly in a meter box, pit, or vault without adequate drainage
A.A.C. R18-4-115(F)	Failure to test a required backflow prevention assembly after installation, relocation or repair.
A.A.C. R18-4-115(F)(1)	Failure to notify the water user when testing of a required backflow prevention assembly is needed
A.A.C. R18-4-115(G)	Failure to maintain records of all backflow-prevention assembly installations and tests performed on backflow-prevention assemblies in a service area for at least 3 years
A.A.C. R18-4-115(G)(1)	Failure to include an assembly identification number and description in the inventory of backflow-prevention assemblies
A.A.C. R18-4-115(G)(2)	Failure to include the location of an assembly in the inventory of backflow-prevention assemblies
A.A.C. R18-4-115(G)(3)	Failure to include the date of a test in the inventory of backflow-prevention assemblies
A.A.C. R18-4-115(G)(4)	Failure to include a description of repairs and recommendations for repairs made by the tester in the inventory of backflow-prevention assemblies
A.A.C. R18-4-115(G)(5)	Failure to include a tester's name and certificate number in the inventory of backflow-prevention assemblies
A.A.C. R18-4-125(C)	Failure to fit all roof hatches used in conjunction with delivery of hauled water with a watertight cover
A.A.C. R18-4-125(D)	Failure to provide a bottom drain valve or other provisions to allow complete drainage and cleaning of a water transport container used to haul water
A.A.C. R18-4-125(E)	Failure to equip a hose used to deliver hauled drinking water with a cap
A.A.C. R18-4-125(E)	Failure to cap a hose used to deliver hauled drinking water when not in use
A.A.C. R18-4-125(F)	Failure to measure the residual free chlorine level each time water is off-loaded from a container used to haul drinking water
A.A.C. R18-4-125(F)	Failure to maintain a log of all on-loading, chlorine disinfectant additions and residual-free chlorine measurements associated with hauled drinking water for at least 3 years
A.A.C. R18-4-125(F)	Failure to make a log of all on-loading, chlorine disinfectant additions and residual-free chlorine measurements associated with hauled drinking water available to ADEQ upon request

CITATION	DESCRIPTION OF MINOR VIOLATION - DRINKING WATER
A.A.C. R18-4-125(F)	Failure to add a chlorine disinfectant at the time water is loaded into a container used to haul drinking water.
A.A.C. R18-4-125(G)	Failure to label a container used to haul drinking water "For Drinking Water Use Only"
A.A.C. R18-4-206(B)	Failure to conduct initial monitoring for an inorganic chemical
A.A.C. R18-4-206(E)(1)	Failure to take a sample for an inorganic chemical at a groundwater sampling at least once every 3 years
A.A.C. R18-4-206(E)(2)	Failure to take an annual sample for an inorganic chemical at a surface water sampling point
A.A.C. R18-4-206(G)	Failure to take an increased quarterly inorganic chemical sample after a routine sample exceeded the MCL
A.A.C. R18-4-207(A)	Failure to conduct monitoring for asbestos
A.A.C. R18-4-208(D)(1)	Failure to monitor annually for nitrate at each groundwater sampling point
A.A.C. R18-4-208(D)(2)	Failure to monitor quarterly for nitrate at each surface water sampling point
A.A.C. R18-4-208(F)	Failure to increase monitoring for nitrate from annually to quarterly when analytical results are greater than, or equal to 5 mg/L
A.A.C. R18-4-208(I)	Failure to take a nitrate confirmation sample within 24 hours of receiving analytical results that the concentration of nitrate exceeds 10 mg/L
A.A.C. R18-4-209(D)	Failure to take a nitrite sample at a sampling point within the initial compliance period
A.A.C. R18-4-209(F)	Failure to conduct quarterly monitoring for nitrite at a sampling point for at least 4 consecutive quarters when analytical results are greater than, or equal to 0.5 mg/L (as N)
A.A.C. R18-4-209(I)	Failure to take a nitrite confirmation sample within 24 hours of receiving analytical results that the concentration of nitrite exceeds 1 mg/L (as N)
A.A.C. R18-4-212(E)	Failure to take four consecutive quarterly samples at a sampling point for each volatile organic chemical during the initial compliance period
A.A.C. R18-4-212(F)	Failure to take an annual sample for a volatile organic chemical at a sampling point in a repeat compliance period
A.A.C. R18-4-212(G)(1)	Failure to conduct quarterly monitoring at a groundwater sampling point for a minimum of two consecutive quarters following a finding that the concentration of a volatile organic chemical is greater than or equal to 0.0005 mg/L

CITATION	DESCRIPTION OF MINOR VIOLATION - DRINKING WATER
A.A.C. R18-4-212(G)(1)	Failure to conduct quarterly monitoring at a groundwater sampling point until the concentration is below the MCL, following a finding that the concentration of a volatile organic chemical is greater than or equal to 0.0005 mg/L
A.A.C. R18-4-212(G)(2)	Failure to conduct quarterly monitoring at a surface water sampling point for a minimum of four consecutive quarters following a finding that the concentration of a volatile organic chemical is greater than or equal to 0.0005 mg/L
A.A.C. R18-4-212(G)(2)	Failure to conduct quarterly monitoring at a surface water sampling point until the concentration is below the MCL, following a finding that the concentration of a volatile organic chemical is greater than or equal to 0.0005 mg/L
A.A.C. R18-4-213(A)	Failure to conduct quarterly monitoring for vinyl chloride at a groundwater sampling point when analytical results have detected a volatile organic chemical
A.A.C. R18-4-213(B)	Failure to conduct vinyl chloride monitoring at a surface water sampling point when analytical results have detected a volatile organic chemical
A.A.C. R18-4-214(C)	Failure to take four total trihalomethanes samples per quarter, collected within a 24 hour period
A.A.C. R18-4-214(C)	Failure to collect the four quarterly total trihalomethanes samples within a 24 hour period
A.A.C. R18-4-214(D)	Failure to take at least 25% of the total trihalomethane samples at locations within the distribution system which reflect maximum residence time of water in the system
A.A.C. R18-4-216(B)	Failure to conduct initial monitoring for synthetic organic chemicals within the initial compliance period
A.A.C. R18-4-216(E)	Failure to take four consecutive quarterly samples for synthetic organic chemicals at each sampling point in a compliance period
A.A.C. R18-4-216(G)(1)	Failure to collect a minimum of two nonconsecutive quarterly samples for synthetic organic chemicals within one year at each sampling point during a compliance period
A.A.C. R18-4-216(G)(2)	Failure to collect a sample for synthetic organic chemicals at each sampling point during a repeat compliance period
A.A.C. R18-4-216(H)(1)	Failure to conduct continuous quarterly monitoring for a minimum of two consecutive quarters at a groundwater sampling point following collection of a sample where the concentration of a synthetic organic chemical is greater than or equal to 50% of the MCL

CITATION	DESCRIPTION OF MINOR VIOLATION - DRINKING WATER
A.A.C. R18-4-216(H)(1)	Failure to conduct quarterly monitoring at a groundwater sampling point following collection of a sample where the concentration of a synthetic organic chemical is greater than or equal to 50% of the MCL until the concentration of the synthetic organic chemical in each sample is below the MCL
A.A.C. R18-4-216(H)(1)	Failure to conduct quarterly monitoring for a minimum of four consecutive quarters at a groundwater sampling point following collection of a sample where the concentration of a synthetic organic chemical is greater than the MCL
A.A.C. R18-4-216(H)(1)	Failure to conduct quarterly monitoring at a groundwater sampling point following collection of a sample where the concentration of a synthetic organic chemical is greater than the MCL until the concentration of the synthetic organic chemical in each sample is below the MCL
A.A.C. R18-4-216(H)(2)	Failure to conduct quarterly monitoring at a surface water sampling point for a minimum of four consecutive quarters following collection of a sample where the concentration of a synthetic organic chemical is greater than or equal to 50% of the MCL
A.A.C. R18-4-216(H)(2)	Failure to conduct quarterly monitoring at a surface water sampling point following collection of a sample where the concentration of a synthetic organic chemical is greater than or equal to 50% of the MCL until the concentration of the synthetic organic chemical in each sample is below the MCL
A.A.C. R18-4-216(H)(2)	Failure to conduct quarterly monitoring for a minimum of four consecutive quarters at a surface water sampling point following collection of a sample where the concentration of a synthetic organic chemical is greater than the MCL
A.A.C. R18-4-216(H)(2)	Failure to conduct quarterly monitoring for a synthetic organic chemical at a surface water sampling point following collection of a sample where the concentration of a synthetic organic chemical is greater than the MCL until the concentration of a synthetic organic chemical in each sample is less than the MCL
A.A.C. R18-4-217(B)(1)	Failure to take four consecutive quarterly samples at each sampling point for gross alpha particle radioactivity, radium-226, and radium-228
A.A.C. R18-4-217(C)	Failure to monitor gross alpha particle activity quarterly at the sampling point after exceedance of the MCL
A.A.C. R18-4-217(C)	Failure to monitor combined radium-226 and radium-228 quarterly at the sampling point after exceedance of the MCL
A.A.C. R18-4-217(F)	Failure to take four consecutive quarterly samples for gross alpha particle activity, radium-226 and radium-228 at the point-of-entry to the distribution system within one year of the introduction of a new water source.

CITATION	DESCRIPTION OF MINOR VIOLATION - DRINKING WATER
A.A.C. R18-4-220(A)	Failure to install and use best available technology to achieve compliance with an MCL
A.A.C. R18-4-221(A)(2)	Failure to comply with an ADEQ approved monitoring program (blending plan)
A.A.C. R18-4-221(B)	Failure to submit an amended blending plan to ADEQ when a source has been added or removed from service or the relative flow rates from blended sources are changed in such a way that has changed the blend
A.A.C. R18-4-222	Failure to obtain written approval from ADEQ prior to use of a point-of-entry treatment device to achieve compliance with an MCL
A.A.C. R18-4-222	Failure to comply with an ADEQ approved monitoring plan for the use of a point-of-entry treatment device
A.A.C. R18-4-302(F)	Failure to measure the turbidity of filtered water at least once every four hours
A.A.C. R18-4-302(G)	Failure to monitor turbidity of filtered water at an appropriate location
A.A.C. R18-4-303(B)(1)	Failure to continuously monitor the residual disinfection concentration in water entering the distribution system
A.A.C. R18-4-303(B)(1)	Failure to take grab samples every four hours for residual disinfection concentration upon failure of a continuous monitoring system
A.A.C. R18-4-303(B)(1)	Failure to repair or replace a monitor for residual disinfection concentration within five days of failure
A.A.C. R18-4-303(B)(2)	Failure to take the required number or grab samples to monitor for residual disinfection concentration in water entering the distribution system
A.A.C. R18-4-303(C)	Failure to maintain detectable levels of residual disinfection concentration in at least 95% or more of the samples in a month for a two consecutive month period
A.A.C. R18-4-303(D)	Failure to submit a treatment technique compliance study to ADEQ that demonstrates the total treatment processes achieve the required Giardia lamblia and virus removal and inactivation rates
A.A.C. R18-4-303(D)	Failure to submit an additional treatment technique compliance study after there is a change in the treatment process that may affect the percent removal or inactivation of Giardia lamblia cysts or viruses or an additional or different source is developed
A.A.C. R18-4-304(B)	Failure to perform ADEQ required monitoring for turbidity to determine whether a groundwater system is under the direct influence of surface water
A.A.C. R18-4-310(A)	Failure to conduct initial tap water monitoring for lead and copper
A.A.C. R18-4-310(A)(2)	Failure to implement corrosion control treatment steps after exceeding the action level for lead or copper in a monitoring period

CITATION	DESCRIPTION OF MINOR VIOLATION - DRINKING WATER
A.A.C. R18-4-310(E)	Failure to conduct reduced monitoring for lead and copper
A.A.C. R18-4-310(G)(1)	Failure to perform water quality parameter monitoring after a lead or copper action level exceedance
A.A.C. R18-4-310(G)(2)	Failure to perform source water monitoring after a lead or copper action level exceedance
A.A.C. R18-4-310(G)(3)	Failure to perform lead public education after a lead action level exceedance
A.A.C. R18-4-401(C)	Failure to take a sample for sulfate at each sampling point once every 5 years
A.A.C. R18-4-402(B)	Failure to collect and analyze an annual sample for sodium for a water treatment plant utilizing surface water
A.A.C. R18-4-402(C)	Failure to collect and analyze a sample for sodium every 3 years for a water treatment plant utilizing a groundwater source
A.A.C. R18-4-402(D)(1)	Failure to take a sample for nickel at a groundwater sampling point once every 3 years
A.A.C. R18-4-402(D)(2)	Failure to take an annual sample for nickel at a surface water sampling point
A.A.C. R18-4-506	Failure to submit to ADEQ record drawings prepared by a registered professional engineer for a change in the approved design which will not affect water quality, capacity, flow, sanitary features, or performance
A.A.C. R18-5-104(A)(1)	Failure to ensure that only a certified operator can make a decision about process control or system integrity regarding water quality or water quantity that affects public health
A.A.C. R18-5-104(A)(6)	Failure to ensure that the names of all current operators are on file with ADEQ
A.A.C. R18-5-104(B)	Failure to notify ADEQ in writing within ten days of replacing a designated operator with another operator
A.A.C. R18-5-104(C)	Failure to notify ADEQ in writing within ten days of ceasing operation of a facility
A.A.C. R18-5-104(C)	Failure to notify ADEQ in writing within ten days of commencing operation of a facility
A.A.C. R18-5-104(E)(4)	Failure to ensure that the remote operator provides the onsite representative with a telephone number at which the remote operator can be reached at all times and the name and telephone number of a qualified substitute operator when the operator is allowed to operate one or more Grade 1 or Grade 2 facilities

CITATION	DESCRIPTION OF MINOR VIOLATION - DRINKING WATER
A.A.C. R18-5-104(E)(7)(a)	Failure to ensure that the remote operator inspects a facility as often as necessary to assure proper operation and maintenance but in no case less than monthly for a Grade 1 or Grade 2 water treatment plant or distribution system that produces and distributes groundwater, when the operator is allowed to operate one or more Grade 1 or Grade 2 facilities.
A.A.C. R18-5-104(E)(7)(b)	Failure to ensure that the remote operator inspects a facility as often as necessary to assure proper operation and maintenance but in no case less than monthly for a Grade 1 wastewater treatment plant, when the operator is allowed to operate one or more Grade 1 or Grade 2 facilities.
A.A.C. R18-5-104(E)(7)(c)	Failure to ensure that the remote operator inspects a facility as often as necessary to assure proper operation and maintenance but in no case less than twice a month for a collection system that serves fewer than 2,500 people, when the operator is allowed to operate one or more Grade 1 or Grade 2 facilities.
A.A.C. R18-5-104(E)(7)(d)	Failure to ensure that the remote operator inspects a facility as often as necessary to assure proper operation and maintenance but in no case less than weekly for a Grade 2 wastewater treatment plant or collection system that serves fewer than 1,000 people, when the operator is allowed to operate one or more Grade 1 or Grade 2 facilities
A.A.C. R18-5-104(E)(8)(a)	Failure to ensure that for a Grade 1 water distribution system that does not have an onsite representative and serves fewer than 100 people, the name and telephone number of the remote operator or substitute is posted at the facility, enclosed with water bills, or otherwise made readily available to water users, when the operator is allowed to operate one or more Grade 1 or Grade 2 facilities
A.A.C. R18-5-104(E)(8)(b)	Failure to ensure that for a Grade 1 water distribution system that does not have an onsite representative and serves fewer than 100 people, the remote operator or substitute operator resides no more than 200 miles by ground travel from the facility, when the operator is allowed to operate one or more Grade 1 or Grade 2 facilities
A.A.C. R18-5-104(E)(8)(c)	Failure to ensure that for a Grade 1 water distribution system that does not have an onsite representative and serves fewer than 100 people, the remote operator inspects the facility weekly, when the operator is allowed to operate one or more Grade 1 or Grade 2 facilities

APPENDIX L7

HAZARDOUS WASTE MAJOR VIOLATIONS

CITATION	DESCRIPTION OF MAJOR VIOLATION - HAZARDOUS WASTE
40 CFR § 261.5 A.A.C. R18-8-261	Failure to accurately determine the facility generator status
40 CFR § 261.5(f)(3) & (g)(3) A.A.C. R18-8-261	CESQG failure to ensure hazardous waste is sent to a permitted or interim status hazardous waste facility, an ADEQ approved solid waste facility, a facility that beneficially recycles or treats prior to beneficially recycling, or a universal waste handler or destination facility.
40 CFR § 261.5(g)(1) A.A.C. R18-8-261	CESQG failure to perform hazardous waste determination.
40 CFR § 262.11 A.A.C. R18-8-262	Failure to perform hazardous waste determination
40 CFR § 262.12(a) A.A.C. R18-8-262 A.A.C. R 18-8-270(B)(1)	Treatment storage or disposal without a permit by failing to obtain an EPA ID number.
40 CFR § 262.20 A.A.C. R18-8-262	Generator failure to properly prepare a hazardous waste manifest.
40 CFR § 262.20 A.A.C. R18-8-262	Failure to manifest the transportation of hazardous waste off-site
40 CFR § 262.23 A.A.C. R18-8-262	Failure to use manifest for shipment of hazardous waste
40 CFR § 262.23 A.A.C. R18-8-262	Mis-identification of waste on manifest for shipment of hazardous waste
40 CFR § 262.23 A.A.C. R18-8-262	Use of erroneous manifest for shipment of hazardous waste.
40 CFR § 262.23 A.A.C. R18-8-262	Use of erroneous manifest for shipment of hazardous waste.
40 CFR § 262.34(a)(1) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the permit exemption that requires accumulation not exceed 90 days
40 CFR § 262.34(a)(1) A.A.C. R18-8-262 A.A.C. R 18-8-270(B)(1)	Storage of a hazardous waste without a permit by failing to comply with the 90-day exemption that requires weekly inspection for leaks and deterioration in areas where hazardous waste containers are stored.
40 CFR § 262.34(a)(1) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 90-day accumulation exemption that requires the hazardous waste be properly placed in a container or tank, on a drip pad, or in a containment building
40 CFR § 262.34(a)(1)(i) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 90-day accumulation exemption that requires compliance with the use and management of containers requirements in 40 CFR 265, Subpart I.

CITATION	DESCRIPTION OF MAJOR VIOLATION - HAZARDOUS WASTE
40 CFR § 262.34(a)(2) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 90-day accumulation exemption that requires each container to be marked with the date upon which accumulation began.
40 CFR § 262.34(a)(3) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 90-day storage accumulation exemption that requires each container and tank be labeled or marked clearly with “Hazardous Waste”.
40 CFR § 262.34(a)(4) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 90-day accumulation exemption that requires compliance with the preparedness and prevention requirements in 40 CFR 265, Subpart C.
40 CFR § 262.34(a)(4) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 90-day accumulation exemption that requires compliance with the contingency plan and emergency procedure requirements in 40 CFR 265, Subpart D.
40 CFR § 262.34(a)(4) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 90-day accumulation exemption that requires compliance with the personnel training requirements in 40 CFR § 265.16
40 CFR § 262.34(c)(1) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 55 gallon accumulation exemption that requires the containers be at or near the point of generation
40 CFR § 262.34(c)(1) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 55 gallon accumulation exemption that requires the containers be under the control of the operator of the process generating the waste.
40 CFR § 262.34(c)(1)(i) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 55 gallon accumulation exemption that requires compliance with the condition of container requirements in 40 CFR § 265.171.
40 CFR § 262.34(c)(1)(i) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 55 gallon accumulation exemption that requires compliance with the compatibility of waste with container requirements in 40 CFR § 265.172
40 CFR § 262.34(c)(1)(i) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 55 gallon accumulation exemption that requires compliance with the management of containers requirements in 40 CFR § 265.173.
40 CFR § 262.34(c)(1)(ii) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 55 gallon accumulation exemption that requires each container be labeled or marked clearly with “Hazardous Waste”.
40 CFR § 262.34(d) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the permit exemption that requires accumulation not exceed 180 days
40 CFR § 262.34(d)(1) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 180-day accumulation exemption that requires the quantity of waste accumulated never exceed 6000 kg

CITATION	DESCRIPTION OF MAJOR VIOLATION - HAZARDOUS WASTE
40 CFR § 262.34(d)(2) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 180-day accumulation exemption that requires compliance with the use and management of containers requirements in 40 CFR 265, Subpart I.
40 CFR § 262.34(d)(3) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 180-day accumulation exemption that requires compliance with the tank systems requirements in 40 CFR § 265.201.
40 CFR § 262.34(d)(4) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 180-day accumulation exemption that requires each container to be marked with the date upon which accumulation began.
40 CFR § 262.34(d)(4) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 180--day accumulation exemption that requires each container and tank be labeled or marked clearly with “Hazardous Waste”.
40 CFR § 262.34(d)(4) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 180-day accumulation exemption that requires compliance with preparedness and prevention requirements in 40 CFR 265, Subpart C.
40 CFR § 262.34(d)(5)(i) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 180-day accumulation exemption that requires an emergency coordinator be on the premises or on-call
40 CFR § 262.34(d)(5)(ii) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 180-day accumulation exemption that requires posting of emergency information next to the telephone
40 CFR § 262.34(d)(5)(iii) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 180-day accumulation exemption that requires all employees be thoroughly familiar with proper waste handling and emergency response procedures.
40 CFR § 262.34(d)(5)(iv) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 180-day accumulation exemption that requires proper response to an emergency
40 CFR § 262.34(e) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with a requirement for the 270-day accumulation exemption.
40 CFR § 262.40(c) A.A.C. R18-8-262	Failure to maintain records of hazardous waste determination for 3 years.
40 CFR § 263.11 A.A.C. R18-8-263	Transportation of hazardous without first obtaining an EPA ID number
40 CFR § 263.12 A.A.C. R18-8-263 A.A.C. R18-8-270(B)(1)	Transporter storage of hazardous waste without a permit by storing manifested shipments of hazardous waste at a transfer facility for a period in excess of ten days
40 CFR § 263.20 A.A.C. R18-8-263	Transporter acceptance of hazardous waste without proper manifest.
40 CFR § 263.20 A.A.C. R18-8-263	Acceptance of hazardous waste for transport without a manifest

CITATION	DESCRIPTION OF MAJOR VIOLATION - HAZARDOUS WASTE
40 CFR § 263.20 A.A.C. R18-8-263	Acceptance of hazardous waste for transport with an erroneous manifest.
40 CFR § 263.20(a) A.A.C. R18-8-263	Transporter acceptance of hazardous waste from a generator without a properly signed manifest.
40 CFR § 263.20(b) A.A.C. R18-8-263	Transporter failure to sign and date a manifest acknowledging acceptance of hazardous waste from the generator prior transporting.
40 CFR § 263.20(d)(1) A.A.C. R18-8-263	Transporter failure to obtain the date of delivery and signature of the next transporter, or of the owner or operator of the designated facility on the manifest.
40 CFR § 263.21 A.A.C. R18-8-263	Transporter failure to deliver the entire quantity of hazardous waste either to the designated location on the manifest, or if not possible, pursuant to a manifest revision made by the transporter according to the generator's instructions.
40 CFR § 263.30 A.A.C. R18-8-263	Failure to take action to minimize impact of hazardous waste discharge during transport
40 CFR § 263.31 A.A.C. R18-8-263	Failure to cleanup a hazardous waste discharge that occurs during transport
40 CFR § 264.111 A.A.C. R18-8-264	Failure to properly close a hazardous waste facility.
40 CFR § 264.112 A.A.C. R18-8-264	Failure to have or amend a written closure plan for a hazardous waste facility.
40 CFR § 264.113 A.A.C. R18-8-264	Failure to close hazardous waste facility within time allowed.
40 CFR § 264.114 A.A.C. R18-8-264	Failure to properly dispose/decontaminate equipment, structures, during closure
40 CFR § 264.117 A.A.C. R18-8-264	Failure to exercise proper post-closure care of closed facility.
40 CFR § 264.118 A.A.C. R18-8-264	Failure to submit or amend post-closure plan.
40 CFR § 264.17 A.A.C. R18-8-262	TSD failure to take precautions to prevent accidental ignition or reaction of ignitable or reactive waste.
40 CFR § 264.17(a) A.A.C. R18-8-264	Failure to take precautions to prevent accidental ignition or reaction of ignitable or reactive waste.
40 CFR § 264.177 A.A.C. R18-8-264	Failure to properly separate incompatible wastes
40 CFR § 264.71(a)(4) A.A.C. R18-8-264	Failure to send copy of manifest to generator upon receipt of hazardous waste.
40 CFR § 265.111 A.A.C. R18-8-265	Failure to properly close facility.

CITATION	DESCRIPTION OF MAJOR VIOLATION - HAZARDOUS WASTE
40 CFR § 265.112 A.A.C. R18-8-265	Failure to have or amend a written closure plan.
40 CFR § 265.113 A.A.C. R18-8-265	Failure to close facility within time allowed.
40 CFR § 265.114 A.A.C. R18-8-265	Failure to properly dispose/decontaminate equipment, structures during closure
40 CFR § 265.117 A.A.C. R18-8-265	Failure to exercise proper post-closure care of closed facility.
40 CFR § 265.118 A.A.C. R18-8-265	Failure to submit or amend post-closure plan.
40 CFR § 265.16 A.A.C. R18-8-265	Failure to properly train personnel
40 CFR § 265.17(a) A.A.C. R18-8-265	Failure to take precautions to prevent accidental ignition or reaction of ignitable or reactive waste
40 CFR § 265.17(a) A.A.C. R18-8-265	Failure to conspicuously place “No Smoking” signs wherever there is a hazard from an ignitable or reactive waste.
40 CFR § 265.171 A.A.C. R18-8-265	Failure to transfer hazardous waste from a container in bad condition or leaking
40 CFR § 265.173(a) A.A.C. R18-8-265	Failure to keep container closed except when removing or adding waste.
40 CFR § 265.174 A.A.C. R18-8-265	Failure to inspect areas where containers stored weekly for leaks and deterioration
40 CFR § 265.177 A.A.C. R18-8-265	Failure to properly separate incompatible wastes
40 CFR § 265.192 A.A.C. R18-8-265	Failure to properly design or install a new tank system or components.
40 CFR § 265.193 A.A.C. R18-8-265	Failure to provide secondary containment or leak detection for a new tank
40 CFR § 265.194 A.A.C. R18-8-265	Failure to adequately prevent leaks, spills or releases from a tank
40 CFR § 265.195 A.A.C. R18-8-265	Failure to inspect each tank and its components each operating day
40 CFR § 265.196 A.A.C. R18-8-265	Failure to adequately respond to a leaking tank or spill from a tank
40 CFR § 265.197 A.A.C. R18-8-265	Failure to properly close a tank system.
40 CFR § 265.198 A.A.C. R18-8-265	Failure to adhere to the special tank requirements for ignitable or reactive wastes
40 CFR § 265.199 A.A.C. R18-8-265	Failure to adhere to the special tank requirements for incompatible wastes

CITATION	DESCRIPTION OF MAJOR VIOLATION - HAZARDOUS WASTE
40 CFR § 265.200 A.A.C. R18-8-265	Failure to perform additional waste analysis or trial tests for tanks.
40 CFR § 265.201 A.A.C. R18-8-265	Failure to adhere to the special tank requirements applicable to SQGs.
40 CFR § 265.31 A.A.C. R18-8-265	Failure to minimize the possibility of fire, explosion or release of hazardous waste
40 CFR § 265.32 A.A.C. R18-8-265	Failure to have proper emergency preparedness equipment.
40 CFR § 265.33 A.A.C. R18-8-265	Failure to test or maintain emergency preparedness equipment.
40 CFR § 265.34 A.A.C. R18-8-265	Failure to provide adequate emergency communication equipment to personnel.
40 CFR § 265.35 A.A.C. R18-8-265	Failure to maintain adequate aisle space
40 CFR § 265.37 A.A.C. R18-8-265	Failure to attempt to make arrangements with local emergency response authorities.
40 CFR § 265.51 A.A.C. R18-8-265	Failure to have a contingency plan to minimize hazards
40 CFR § 265.52 A.A.C. R18-8-265	Contingency plan is inadequate.
40 CFR § 265.53 A.A.C. R18-8-265	Failure to maintain contingency plan.
40 CFR § 265.53 A.A.C. R18-8-265	Failure to provide contingency plan to emergency response authorities.
40 CFR § 265.54 A.A.C. R18-8-265	Failure to amend contingency plan.
40 CFR § 265.55 A.A.C. R18-8-265	Failure to have an emergency coordinator at all times
40 CFR § 265.56 A.A.C. R18-8-265	Failure or inadequate implementation of emergency procedures
40 CFR § 265.71(a)(1) A.A.C. R18-8-265	Failure to sign or date manifest upon receipt of hazardous waste.
40 CFR § 265.71(a)(4) A.A.C. R18-8-265	Failure to send copy of manifest to generator upon receipt of hazardous waste.
40 CFR § 265.71(b)(1) A.A.C. R18-8-265	Failure to sign or date manifest upon receipt of hazardous waste from rail or water.
40 CFR § 265.71(b)(5) A.A.C. R18-8-265	Failure to retain at the facility a copy of manifest for 3 years after receipt of hazardous waste from off-site via rail or water.
40 CFR § 268.7(a)(2) A.A.C. R18-8-268	Failure to send one-time statement that waste doesn’t meet treatment standard.

CITATION	DESCRIPTION OF MAJOR VIOLATION - HAZARDOUS WASTE
40 CFR § 268.7(a)(3)(i) A.A.C. R18-8-268	Failure to send on-time notice that waste does meet treatment standard.
40 CFR § 268.7(a)(6) A.A.C. R18-8-268	Failure to maintain documentation that waste is restricted.
40 CFR § 273.14 A.A.C. R18-8-273	Small quantity handler failure to label/mark universal waste.
40 CFR § 273.16 A.A.C. R18-8-273	Small quantity handler failure to inform employees of proper handling and emergency procedures appropriate to universal waste.
40 CFR § 273.17 A.A.C. R18-8-273	Small quantity handler failure to immediately contain release of universal waste
40 CFR § 273.34 A.A.C. R18-8-273	Large quantity handler failure to label/mark universal waste.
40 CFR § 273.36 A.A.C. R18-8-273	Large quantity handler failure to ensure all employees are familiar with proper waste handling and emergency procedures appropriate to universal waste.
40 CFR § 273.37 A.A.C. R18-8-273	Large quantity handler failure to immediately contain release of universal waste
40 CFR § 273.54 A.A.C. R18-8-273	Transporter failure to immediately contain release of universal waste
A.A.C. R 18-8-262(L)	Generator failure to comply with 40 CFR § 265.17(a), which requires precautions be taken to prevent accidental ignition or reaction of ignitable or reactive wastes.
A.A.C. R 18-8-262(M)	Generator failure to keep written log of the inspections of container, tank drip pad and containment building areas and for the containers, tanks and other equipment located in these storage areas.
A.A.C. R18-8-262(H)	Generator failure to submit an Annual Report to ADEQ.
A.A.C. R18-8-262(I)	Generator failure to submit signed manifest for shipment of hazardous waste.
A.A.C. R18-8-263(D)	Transporter failure to submit signed manifest for shipment of hazardous waste.
A.A.C. R18-8-264(H)	TSD failure to submit an Annual Report to ADEQ.
A.A.C. R18-8-265(H)	Interim status facility failure to submit an Annual Report to ADEQ.
A.A.C. R18-8-270(B)(1)	Treatment, storage, or disposal of hazardous waste without a permit
A.A.C. R18-8-270(B)(2)(a)	Direct disposal or discharge of hazardous waste into waters of the state
A.A.C. R18-8-270(B)(2)(b)	Direct disposal or discharge of hazardous waste into or onto an injection well, ditch, alleyway, storm drain, leach field, or roadway.
A.A.C. R18-8-280(A)	Failure to furnish information pertaining to hazardous waste generation, storage, treatment, transportation, disposal, or handling as requested by ADEQ

CITATION	DESCRIPTION OF MAJOR VIOLATION - HAZARDOUS WASTE
A.R.S. § 49-929	TSD, transporter, or generator, failure to register or pay annual registration fee.
A.R.S. § 49-930	Hazardous waste recovery facility failure to register or pay annual registration fee.

APPENDIX L8

HAZARDOUS WASTE MINOR VIOLATIONS

CITATION	DESCRIPTION OF MINOR VIOLATION - HAZARDOUS WASTE
40 CFR § 262.34(a)(2) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 90-day accumulation exemption that requires each container to be marked with the date upon which accumulation began.
40 CFR § 262.34(c)(1) A.A.C. R18-8-262 A.A.C. R18-8-270(B)(1)	Storage of hazardous waste without a permit by failing to comply with the 55 gallon accumulation exemption that requires the containers be under the control of the operator of the process generating the waste.
40 CFR § 262.42(a)(2) A.A.C. R18-8-262	LQG failure to submit Exception Report for failing to receive manifest
40 CFR § 262.42(b) A.A.C. R18-8-262	SQG Failure to submit Exception Report for failure to receive manifest
40 CFR § 264.115 A.A.C. R18-8-264	Failure to submit certification of closure
40 CFR § 264.116 A.A.C. R18-8-264	Failure to submit survey plat indicating location of closed units to zoning authority
40 CFR § 264.119 A.A.C. R18-8-264	Failure to submit post-closure notice to zoning authority
40 CFR § 264.120 A.A.C. R18-8-264	Failure to submit post-closure completion notice
40 CFR § 265.115 A.A.C. R18-8-265	Failure to submit certification of closure
40 CFR § 265.116 A.A.C. R18-8-265	Failure to submit survey plat indicating location of closed units to zoning authority
40 CFR § 265.119 A.A.C. R18-8-265	Failure to submit post-closure notice to zoning authority
40 CFR § 265.120 A.A.C. R18-8-265	Failure to submit post-closure completion notice
40 CFR § 265.191 A.A.C. R18-8-265	Failure to have at the facility a professional engineer's certification of a tank system's integrity
A.A.C. R18-8-262(I)	Generator failure to submit signed manifest for shipment of hazardous waste.
A.R.S. § 49-931	Failure to pay a hazardous waste fee
A.R.S. § 49-932	Failure to pay a hazardous waste fuel penalty

APPENDIX L9

REUSE OF RECLAIMED WATER MAJOR VIOLATIONS

CITATION	DESCRIPTION OF MAJOR VIOLATION - RECLAIMED WATER
A.A.C. R18-11-303(B)(1)(a)	Failure to ensure that Class A+ reclaimed water meets the 24-hour average turbidity standard of 2 NTUs after filtration and before disinfection
A.A.C. R18-11-303(B)(1)(b)	Failure to ensure that Class A+ reclaimed water meets the turbidity standard of 5 NTUs after filtration and before disinfection
A.A.C. R18-11-303(B)(2)(a)	Failure to ensure that there are no detectable fecal coliform organisms in 4 of 7 consecutive daily Class A+ reclaimed water samples taken after disinfection and before discharge to a distribution system.
A.A.C. R18-11-303(B)(2)(b)	Failure to ensure that the single sample maximum of fecal coliform organisms is less than 23/100 ml in Class A+ reclaimed water after disinfection and before discharge to a distribution system.
A.A.C. R18-11-303(B)(2)(c)	Failure to ensure that there are no detectable enteric virus in 4 of 7 consecutive daily Class A+ reclaimed water samples taken after disinfection and before discharge to a distribution system for use of an alternative treatment process, alternative turbidity criteria, or blending
A.A.C. R18-11-303(B)(3)	Failure to ensure that Class A+ reclaimed water meets the 5-sample geometric mean standard for total nitrogen of 10 mg/L
A.A.C. R18-11-304(B)(1)(a)	Failure to ensure that Class A reclaimed water meets the 24-hour average turbidity standard of 2 NTUs after filtration and before disinfection
A.A.C. R18-11-304(B)(1)(b)	Failure to ensure that Class A reclaimed water meets the turbidity standard of 5 NTUs after filtration and before disinfection
A.A.C. R18-11-304(B)(2)(a)	Failure to ensure that there are no detectable fecal coliform organisms in 4 of 7 consecutive daily Class A reclaimed water samples taken after disinfection and before discharge to a distribution system.
A.A.C. R18-11-304(B)(2)(b)	Failure to ensure that the single sample maximum of fecal coliform organisms is less than 23/100 ml in Class A reclaimed water after disinfection and before discharge to a distribution system.
A.A.C. R18-11-304(B)(2)(c)	Failure to ensure that there are no detectable enteric virus in 4 of 7 consecutive daily Class A reclaimed water samples taken after disinfection and before discharge to a distribution system for use of an alternative treatment process, alternative turbidity criteria, or blending
A.A.C. R18-11-305(B)(1)(a)	Failure to ensure that the concentration of detectable fecal coliform organisms in 4 of 7 consecutive daily Class B+ reclaimed water samples is less than 200 / 100 ml in samples taken after disinfection and before discharge to a distribution system.
A.A.C. R18-11-305(B)(1)(b)	Failure to ensure that the single sample maximum of fecal coliform organisms is less than 800 / 100 ml in Class B+ reclaimed water after disinfection and before discharge to a distribution system.
A.A.C. R18-11-305(B)(2)	Failure to ensure that Class A+ reclaimed water meets the 5-sample geometric mean standard for total nitrogen of 10 mg/L

CITATION	DESCRIPTION OF MAJOR VIOLATION - RECLAIMED WATER
A.A.C. R18-11-305(C)	Use of Class B+ reclaimed water for a type of direct reuse requiring Class A reclaimed water
A.A.C. R18-11-306(B)(1)	Failure to ensure that the concentration of detectable fecal coliform organisms in 4 of 7 consecutive daily Class B reclaimed water samples is less than 200 / 100 ml in samples taken after disinfection and before discharge to a distribution system.
A.A.C. R18-11-306(B)(2)	Failure to ensure that the single sample maximum of fecal coliform organisms is less than 800 / 100 ml in Class B+ reclaimed water after disinfection and before discharge to a distribution system.
A.A.C. R18-11-306(C)	Use of Class B reclaimed water for a type of direct reuse requiring Class A reclaimed water
A.A.C. R18-11-307(B)(1)	Failure to ensure that the total retention time of Class C reclaimed water in wastewater stabilization ponds is at least 20 days
A.A.C. R18-11-307(B)(2)(a)	Failure to ensure that the concentration of fecal coliform organisms in 4 of 7 consecutive Class C reclaimed water samples is less than 1000 / 100 ml in samples taken after disinfection and before discharge to a distribution system.
A.A.C. R18-11-307(B)(2)(b)	Failure to ensure that the single sample maximum of fecal coliform organisms is less than 4000 / 100 ml in Class C reclaimed water after disinfection and before discharge to a distribution system.
A.A.C. R18-11-307(C)	Use of Class C reclaimed water for a type of direct reuse requiring Class A or Class B reclaimed water
A.A.C. R18-9-602(C)(1)	Failure to construct a pipeline conveyance of reclaimed water so reclaimed water does not find its way into, or otherwise contaminate, a potable water system
A.A.C. R18-9-602(C)(2)	Failure to construct a pipeline conveyance of reclaimed water so that system structural integrity is maintained.
A.A.C. R18-9-602(F)(1)	Location of a pipeline conveyance of reclaimed water closer than 50 feet from a drinking water well
A.A.C. R18-9-602(F)(2)	Location of a pipeline conveyance of reclaimed water closer than 2 feet vertically or 6 feet horizontally from a potable water pipeline
A.A.C. R18-9-602(F)(4)	Failure to separate a potable water system from a pipeline conveyance of reclaimed water by an air gap when a reclaimed water system is supplemented with water from a potable water system
A.A.C. R18-9-704(A)	Providing reclaimed water for direct reuse without first obtaining an individual Aquifer Protection Permit
A.A.C. R18-9-704(B)	Accepting reclaimed water and providing additional treatment for a higher quality direct reuse without first obtaining an individual Aquifer Protection Permit

CITATION	DESCRIPTION OF MAJOR VIOLATION - RECLAIMED WATER
A.A.C. R18-9-704(C)	Conducting blending operations without first obtaining a Reclaimed Water Individual Permit or Reclaimed Water General Permit
A.A.C. R18-9-704(D)	Operating as a reclaimed water agent without first obtaining a Reclaimed Water Individual Permit or a Reclaimed Water General Permit
A.A.C. R18-9-704(E)	Direct reuse of reclaimed water without a permit
A.A.C. R18-9-704(F)(1)	Failure to use application methods that reasonably preclude human contact with reclaimed water when irrigating with reclaimed water
A.A.C. R18-9-704(F)(3)	Failure to prevent reclaimed water from coming into contact with drinking fountains, water coolers, or eating areas when irrigating with reclaimed water
A.A.C. R18-9-704(F)(4)	Failure to secure hose bibbs discharging reclaimed water to prevent use by the public when irrigating with reclaimed water
A.A.C. R18-9-704(G)(1)	Irrigating with untreated sewage
A.A.C. R18-9-704(G)(2)(a)	Direct reuse of reclaimed water for human consumption
A.A.C. R18-9-704(G)(2)(b)	Direct reuse of reclaimed water for swimming, wind surfing, water skiing, or other full-immersion water activity with a potential of ingestion
A.A.C. R18-9-704(G)(2)(c)	Direct reuse of reclaimed water for evaporative cooling or misting.
A.A.C. R18-9-704(G)(3)(a)	Application of a stated class of reclaimed water that is of lesser quality than allowed for the type of direct reuse application
A.A.C. R18-9-704(G)(3)(b)	Application of reclaimed water to an area other than a direct reuse site
A.A.C. R18-9-704(G)(3)(c)	Allowing runoff of reclaimed water or reclaimed water mixed with stormwater from a direct reuse site
A.A.C. R18-9-707(A)(1)	Direct reuse of reclaimed water from a sewage treatment facility that is combined with industrial wastewater or that is combined with reclaimed water from an industrial wastewater treatment facility without first obtaining a Reclaimed Water Individual Permit.
A.A.C. R18-9-707(A)(2)	Direct reuse of reclaimed water from an industrial wastewater treatment facility for production or processing of a crop or substance that may be used as human or animal food without first obtaining a Reclaimed Water Individual Permit.
A.A.C. R18-9-711(B)(1)	Use of gray water for purposes other than irrigation
A.A.C. R18-9-713(C)(1)	Failure to ensure that an impoundment storing Class A reclaimed water is adequately lined
A.A.C. R18-9-715(B) A.A.C. R18-9-713(C)(1)	Failure to ensure that an impoundment storing Class B reclaimed water is adequately lined
A.A.C. R18-9-715(B) A.A.C. R18-9-713(C)(2)	Failure to ensure that the application rates of Class B reclaimed water are based on an assigned water allotment, water balance, or alternative ADEQ approved method

CITATION	DESCRIPTION OF MAJOR VIOLATION - RECLAIMED WATER
A.A.C. R18-9-716(B) A.A.C. R18-9-713(C)(1)	Failure to ensure that an impoundment storing Class C reclaimed water is adequately lined
A.A.C. R18-9-716(B) A.A.C. R18-9-713(C)(2)	Failure to ensure that the application rates of Class C reclaimed water are based on an assigned water allotment, water balance, or alternative ADEQ approved method
A.A.C. R18-9-717(C)	Operation of a reclaimed water blending facility before obtaining a Verification of General Permit Conformance
A.A.C. R18-9-717(D)(1)	Failure to monitor blended reclaimed water for total nitrogen and fecal coliform at the appropriate frequency
A.A.C. R18-9-717(D)(1)(a)	Failure to double the monitoring frequency for two months when the concentration of either total nitrogen or fecal coliform exceeds the limits for the reclaimed water class
A.A.C. R18-9-717(D)(1)(b)	Failure to submit an application for a Reclaimed Water Individual Permit when another exceedance of total nitrogen or fecal coliform occurs within an interval of increased monitoring
A.A.C. R18-9-717(D)(2)	Failure to monitor the volume of reclaimed water, the volume of the other water, and the total volume of blended water delivered for direct reuse on a monthly basis
A.A.C. R18-9-718(A)(2) A.A.C. R18-9-713(C)(1)	Failure of a Reclaimed Water Agent to ensure that an impoundment storing Class A reclaimed water is adequately lined
A.A.C. R18-9-718(A)(2) A.A.C. R18-9-715(B) A.A.C. R18-9-713(C)(1)	Failure of a Reclaimed Water Agent to ensure that an impoundment storing Class B reclaimed water is adequately lined
A.A.C. R18-9-718(A)(2) A.A.C. R18-9-716(B) A.A.C. R18-9-713(C)(1)	Failure of a Reclaimed Water Agent to ensure that an impoundment storing Class C reclaimed water is adequately lined
A.A.C. R18-9-718(A)(3) A.A.C. R18-9-715(B) A.A.C. R18-9-713(C)(2)	Failure of a Reclaimed Water Agent to ensure that the application rates of Class B reclaimed water are based on an assigned water allotment, water balance, or alternative ADEQ approved method
A.A.C. R18-9-718(A)(3) A.A.C. R18-9-716(B) A.A.C. R18-9-713(C)(2)	Failure of a Reclaimed Water Agent to ensure that the application rates of Class C reclaimed water are based on an assigned water allotment, water balance, or alternative ADEQ approved method
A.A.C. R18-9-718(B)(2)	Failure of a Reclaimed Water Agent to maintain a contractual agreement with each end user stipulating any end user responsibilities for direct reuse requirements
A.A.C. R18-9-718(D)	Distribution of reclaimed water to end users prior to obtaining a written Verification of General Permit Conformance

APPENDIX L10

REUSE OF RECLAIMED WATER MINOR VIOLATIONS

CITATION	DESCRIPTION OF MINOR VIOLATION - RECLAIMED WATER
A.A.C. R18-9-602(B)	Failure to design a pipeline conveyance of reclaimed water system using good engineering judgement following standards of practice
A.A.C. R18-9-602(B)	Failure to construct a pipeline conveyance of reclaimed water system using good engineering judgement following standards of practice
A.A.C. R18-9-602(C)(3)	Failure to construct a pipeline conveyance of reclaimed water so that the capability for inspection, maintenance, and testing is maintained.
A.A.C. R18-9-602(D)	Failure to construct a pipeline conveyance of reclaimed water to withstand a static pressure of at least 50 pounds per square inch greater than the design working pressure without leakage
A.A.C. R18-9-602(D)	Failure to construct an appurtenance conducting reclaimed water to withstand a static pressure of at least 50 pounds per square inch greater than the design working pressure without leakage
A.A.C. R18-9-602(E)	Failure to provide a pipeline conveyance of reclaimed water with thrust blocks or restrained joints where needed to prevent excessive movement of the pipeline.
A.A.C. R18-9-602(G)(1)	Failure to use pipe marked on opposite sides in English: "CAUTION: RECLAIMED WATER, DO NOT DRINK" in intervals of 3 feet or less and colored purple or wrapped with durable purple tape for a pipeline conveyance of reclaimed water, 8 inches in diameter or less
A.A.C. R18-9-602(G)(2)	Failure to ensure that a mechanical appurtenance to a pipeline conveyance of reclaimed water is colored purple or legibly marked to identify it as part of a reclaimed water distribution system and distinguish it from systems for potable water distribution
A.A.C. R18-9-603(B)	Failure to maintain an open water conveyance to prevent the release of reclaimed water except as allowed under federal and state regulations
A.A.C. R18-9-603(B)	Failure to conduct periodic inspections of a an open water conveyance of reclaimed water to ensure the integrity of conveyance banks and capacity of the conveyance to safely carry operational flows
A.A.C. R18-9-603(B)	Failure to conduct follow-up corrective measures on an open water conveyance of reclaimed water to ensure the integrity of conveyance banks and capacity of the conveyance to safely carry operational flows
A.A.C. R18-9-603(C)(1)	Failure to ensure that signs for Class B+, B, or C reclaimed water states: "CAUTION: RECLAIMED WATER, DO NOT DRINK," and displays the international Ado not drink" symbol
A.A.C. R18-9-603(C)(2)	Failure to place signs for Class B+, B, or C reclaimed water at all points of ingress
A.A.C. R18-9-603(C)(2)	Failure to place signs for Class B+, B, or C reclaimed water at least every 1/4-mile along the length of an open water conveyance of operated with open access

CITATION	DESCRIPTION OF MINOR VIOLATION - RECLAIMED WATER
A.A.C. R18-9-603(C)(3)	Failure to ensure that signs for Class B+, B, or C reclaimed water are visible and legible from both sides of the open water conveyance
A.A.C. R18-9-704(F)(2)	Failure to prevent reclaimed water from standing on open access areas during normal periods of use when irrigating with reclaimed water
A.A.C. R18-9-704(H)	Failure to place or maintain signage at required locations so the public is informed that reclaimed water is in use and that no one should drink from the system.
A.A.C. R18-9-711(B)(2)	Spray irrigation of gray water
A.A.C. R18-9-712(B)	Failure to maintain for five years records that describe a Class A+ reclaimed water direct reuse site
A.A.C. R18-9-712(B)	Failure to maintain for five years records of the total amount of Class A+ reclaimed water used annually
A.A.C. R18-9-712(B)	Failure to make records that describe a Class A+ reclaimed water direct reuse site available to ADEQ upon request
A.A.C. R18-9-712(B)	Failure to make records of the total amount of Class A+ reclaimed water used available to ADEQ upon request
A.A.C. R18-9-712(C) A.A.C. R18-9-704(H)	Failure to place or maintain signage at required locations so the public is informed that Class A+ reclaimed water is in use and that no one should drink from the system
A.A.C. R18-9-713(B)(1)(a)	Failure to maintain for five years records describing a Class A reclaimed water direct reuse site
A.A.C. R18-9-713(B)(1)(a)	Failure to make records describing a Class A reclaimed water direct reuse site available to ADEQ upon request
A.A.C. R18-9-713(B)(1)(b)	Failure to maintain for five years records of the volume of Class A reclaimed water applied monthly for each category of direct reuse activity
A.A.C. R18-9-713(B)(1)(b)	Failure to make records of the volume of Class A reclaimed water applied monthly for each category of direct reuse activity available to ADEQ upon request
A.A.C. R18-9-713(B)(1)(c)	Failure to maintain for five years the records of the total nitrogen concentration in the Class A reclaimed water applied
A.A.C. R18-9-713(B)(1)(c)	Failure to make records of the total nitrogen concentration of Class A reclaimed water applied available to ADEQ upon request
A.A.C. R18-9-713(B)(1)(d)	Failure to maintain for five years the records of the acreage and type of vegetation to which Class A reclaimed water was applied
A.A.C. R18-9-713(B)(1)(d)	Failure to make records of the acreage and type of vegetation to which Class A reclaimed water is applied available to ADEQ upon request
A.A.C. R18-9-713(B)(2)(a)	Failure report to ADEQ the volume of Class A reclaimed water received on or before the anniversary date of the Notice of Intent
A.A.C. R18-9-713(B)(2)(b)	Failure to report to ADEQ the type of reclaimed water applied on or before the anniversary date of the Notice of Intent

CITATION	DESCRIPTION OF MINOR VIOLATION - RECLAIMED WATER
A.A.C. R18-9-713(B)(2)(c)	Failure to report to ADEQ the vegetation and acreage irrigated with Class A reclaimed water on or before the anniversary date of the Notice of Intent
A.A.C. R18-9-713(C)(2)	Failure to ensure that the application rates of Class A reclaimed water are based on an assigned water allotment, water balance, or alternative ADEQ approved method.
A.A.C. R18-9-713(E) A.A.C. R18-9-704(H)	Failure to place or maintain signage at required locations so the public is informed that Class A reclaimed water is in use and that no one should drink from the system
A.A.C. R18-9-714(B) A.A.C. R18-9-704(H) A.A.C. R18-9-712(C)	Failure to place or maintain signage at required locations so the public is informed that Class B+ reclaimed water is in use and that no one should drink from the system
A.A.C. R18-9-714(B) A.A.C. R18-9-712(B)	Failure to maintain for five years records that describe a Class B+ reclaimed water direct reuse site
A.A.C. R18-9-714(B) A.A.C. R18-9-712(B)	Failure to maintain for five years records of the total amount of Class B+ reclaimed water used annually
A.A.C. R18-9-714(B) A.A.C. R18-9-712(B)	Failure to make records that describe a Class B+ reclaimed water direct reuse site available to ADEQ upon request
A.A.C. R18-9-714(B) A.A.C. R18-9-712(B)	Failure to make records of the total amount of Class B+ reclaimed water used available to ADEQ upon request
A.A.C. R18-9-715(B) A.A.C. R18-9-713(B)(2)(c)	Failure to report to ADEQ the vegetation and acreage irrigated with Class B reclaimed water on or before the anniversary date of the Notice of Intent
A.A.C. R18-9-715(B) A.A.C. R18-9-713(B)(1)(a)	Failure to maintain for five years records describing a Class B reclaimed water direct reuse site
A.A.C. R18-9-715(B) A.A.C. R18-9-713(B)(1)(a)	Failure to make records describing a Class B reclaimed water direct reuse site available to ADEQ upon request
A.A.C. R18-9-715(B) A.A.C. R18-9-713(B)(1)(b)	Failure to maintain for five years records of the volume of Class B reclaimed water applied monthly for each category of direct reuse activity
A.A.C. R18-9-715(B) A.A.C. R18-9-713(B)(1)(b)	Failure to make records of the volume of Class B reclaimed water applied monthly for each category of direct reuse activity available to ADEQ upon request
A.A.C. R18-9-715(B) A.A.C. R18-9-713(B)(1)(c)	Failure to maintain for five years the records of the total nitrogen concentration in the Class B reclaimed water applied
A.A.C. R18-9-715(B) A.A.C. R18-9-713(B)(1)(c)	Failure to make records of the total nitrogen concentration of Class B reclaimed water applied available to ADEQ upon request
A.A.C. R18-9-715(B) A.A.C. R18-9-713(B)(1)(d)	Failure to maintain for five years the records of the acreage and type of vegetation to which Class B reclaimed water was applied
A.A.C. R18-9-715(B) A.A.C. R18-9-713(B)(1)(d)	Failure to make records of the acreage and type of vegetation to which Class B reclaimed water is applied available to ADEQ upon request
A.A.C. R18-9-715(B) A.A.C. R18-9-713(B)(2)(a)	Failure report to ADEQ the volume of Class B reclaimed water received on or before the anniversary date of the Notice of Intent

CITATION	DESCRIPTION OF MINOR VIOLATION - RECLAIMED WATER
A.A.C. R18-9-715(B) A.A.C. R18-9-713(B)(2)(b)	Failure to report to ADEQ the type of reclaimed water applied on or before the anniversary date of the Notice of Intent
A.A.C. R18-9-715(B) A.A.C. R18-9-713(E) A.A.C. R18-9-704(H)	Failure to place or maintain signage at required locations so the public is informed that Class B reclaimed water is in use and that no one should drink from the system
A.A.C. R18-9-716(B) A.A.C. R18-9-713(B)(1)(c)	Failure to maintain for five years the records of the total nitrogen concentration in the Class C reclaimed water applied
A.A.C. R18-9-716(B) A.A.C. R18-9-713(B)(1)(a)	Failure to maintain for five years records describing a Class C reclaimed water direct reuse site
A.A.C. R18-9-716(B) A.A.C. R18-9-713(B)(1)(a)	Failure to make records describing a Class C reclaimed water direct reuse site available to ADEQ upon request
A.A.C. R18-9-716(B) A.A.C. R18-9-713(B)(1)(b)	Failure to maintain for five years records of the volume of Class C reclaimed water applied monthly for each category of direct reuse activity
A.A.C. R18-9-716(B) A.A.C. R18-9-713(B)(1)(b)	Failure to make records of the volume of Class C reclaimed water applied monthly for each category of direct reuse activity available to ADEQ upon request
A.A.C. R18-9-716(B) A.A.C. R18-9-713(B)(1)(c)	Failure to make records of the total nitrogen concentration of Class C reclaimed water applied available to ADEQ upon request
A.A.C. R18-9-716(B) A.A.C. R18-9-713(B)(1)(d)	Failure to maintain for five years the records of the acreage and type of vegetation to which Class C reclaimed water was applied
A.A.C. R18-9-716(B) A.A.C. R18-9-713(B)(1)(d)	Failure to make records of the acreage and type of vegetation to which Class C reclaimed water is applied available to ADEQ upon request
A.A.C. R18-9-716(B) A.A.C. R18-9-713(B)(2)(a)	Failure report to ADEQ the volume of Class A reclaimed water received on or before the anniversary date of the Notice of Intent
A.A.C. R18-9-716(B) A.A.C. R18-9-713(B)(2)(b)	Failure to report to ADEQ the type of reclaimed water applied on or before the anniversary date of the Notice of Intent
A.A.C. R18-9-716(B) A.A.C. R18-9-713(B)(2)(c)	Failure to report to ADEQ the vegetation and acreage irrigated with Class C reclaimed water on or before the anniversary date of the Notice of Intent
A.A.C. R18-9-716(B) A.A.C. R18-9-713(E) A.A.C. R18-9-704(H)	Failure to place or maintain signage at required locations so the public is informed that Class C reclaimed water is in use and that no one should drink from the system
A.A.C. R18-9-717(D)(1)(a)	Failure to submit a report to ADEQ within 30 days with a proposal to change the blending process when the concentration of either total nitrogen or fecal coliform exceeds the limits for the reclaimed water class
A.A.C. R18-9-717(E)	Failure to submit the results of required monitoring of blended reclaimed water to ADEQ on or before the anniversary date of the verification approval
A.A.C. R18-9-717(E)	Failure to make the results of required monitoring of blended reclaimed water available to end users

CITATION	DESCRIPTION OF MINOR VIOLATION - RECLAIMED WATER
A.A.C. R18-9-718(A)(1) A.A.C. R18-9-704(H)	Failure of a Reclaimed Water Agent to place or maintain signage at required locations so the public is informed that reclaimed water is in use and that no one should drink from the system
A.A.C. R18-9-718(A)(3) A.A.C. R18-9-713(C)(2)	Failure of a Reclaimed Water Agent to ensure that the application rates of Class A reclaimed water are based on an assigned water allotment, water balance, or alternative ADEQ approved method
A.A.C. R18-9-718(E)(1)	Failure to record the total volume of reclaimed water delivered by a reclaimed water agent on or before the anniversary date of the verification approval
A.A.C. R18-9-718(E)(1)	Failure to report to ADEQ the total volume of reclaimed water delivered by the reclaimed water agent on or before the anniversary date of the verification approval
A.A.C. R18-9-718(E)(2)	Failure to record the volume of reclaimed water delivered to each end user for Class A, Class B, and Class C reclaimed water on or before the anniversary date of the verification approval
A.A.C. R18-9-718(E)(2)	Failure to report to ADEQ the volume of reclaimed water delivered to each end user for Class A, Class B, and Class C reclaimed water on or before the anniversary date of the verification approval
A.A.C. R18-9-718(E)(3)	Failure to record a change in information submitted in the Notice of Intent to Operate as a reclaimed water agent on or before the anniversary date of the verification approval
A.A.C. R18-9-718(E)(3)	Failure to report to ADEQ a change in the information submitted in the Notice of Intent to Operate as a reclaimed water agent on or before the anniversary date of the verification approval
A.A.C. R18-9-718(F)	Failure to notify ADEQ before the end of a calendar year of any changes in the information submitted in the Notice of Intent to Operate as a reclaimed water agent

APPENDIX L11

SOLID WASTE MAJOR VIOLATIONS

CITATION	DESCRIPTION OF MAJOR VIOLATION - SOLID WASTE
40 CFR § 258.20 A.R.S. § 49-761(B)	Failure of the owner or operator of a municipal solid waste landfill unit to implement a hazardous waste screening program which includes the detection and prevention of the disposal of regulated hazardous wastes
40 CFR § 258.21(a) A.R.S. § 49-761(B)	Creation of a risk to the public health or the environment at a municipal solid waste landfill by failing to cover disposed solid waste with six inches of earthen material (or an ADEQ approved alternative daily cover) at the end of each operating day, or at more frequent intervals as necessary
40 CFR § 258.22 A.R.S. § 49-761(B)	Failure to prevent or control on-site populations of disease vectors at a municipal solid waste landfill
40 CFR § 258.23(b) A.R.S. § 49-761(B)	Failure to implement routine methane monitoring program to ensure that the standards methane gas are not exceeded at a municipal solid waste landfill
40 CFR § 258.23(c)(1) A.R.S. § 49-761(B)	Failure to immediately take all necessary steps to ensure protection of human health and notify ADEQ in the event of a methane exceedance at a municipal solid waste landfill
40 CFR § 258.23(c)(2) A.R.S. § 49-761(B)	Failure to implement a remediation plan within sixty days of detecting a methane gas exceedance at a municipal solid waste landfill
40 CFR § 258.24(b) A.R.S. § 49-761(B)	Open burning of solid waste at a municipal solid waste landfill
40 CFR § 258.25 A.R.S. § 49-761(B)	Failure to control public access and prevent unauthorized vehicular traffic and illegal dumping of wastes at a municipal solid waste landfill
40 CFR § 258.26(a)(1) A.R.S. § 49-761(B)	Failure to maintain run-on control system that prevents stormwater flow onto the active portion of a municipal solid waste landfill during the peak discharge from a 25-year storm
40 CFR § 258.26(a)(2) A.R.S. § 49-761(B)	Failure to maintain run-off control system that collects and controls stormwater run-off from the active portion of a municipal solid waste landfill that results from a 24-hour 25-year storm
40 CFR § 258.28 A.R.S. § 49-761(B)	Placement of bulk or non-containerized liquid waste in a municipal solid waste landfill unit
40 CFR § 258.54(c)(2) A.R.S. § 49-761(B)	Failure to establish an assessment monitoring program within 90 days of detecting a statistically significant increase over background in a monitoring well at the boundary of a municipal solid waste landfill
40 CFR § 258.61(a)(1) A.R.S. § 49-761(B)	Creation of a risk to human health or the environment by failing to maintain the integrity and effectiveness of final cover including making repairs to the cover as necessary to correct the effect of settlement, subsidence, erosion, or other events and preventing run-on and run-off from eroding or otherwise damaging the final cover at a municipal solid waste landfill

CITATION	DESCRIPTION OF MAJOR VIOLATION - SOLID WASTE
40 CFR § 258.61(a)(3) A.R.S. § 49-761(B)	Failure to conduct groundwater monitoring during the post closure care period at a municipal solid waste landfill
40 CFR § 258.61(a)(4) A.R.S. § 49-761(B)	Failure to conduct methane monitoring during the post closure care period at a municipal solid waste landfill
40 CFR § 279.21 A.R.S. § 49-802(A)	Failure to manage mixtures of used oil and hazardous waste as required by 40 CFR § 279.10(b)
40 CFR § 279.22(a) A.R.S. § 49-802(A)	Creation of a risk of release to soil by a failure of a used oil generator, or do-it-yourselfer (DIY) to store used oil in tanks, containers, or units subject to regulation under 40 CFR §§ 264 or 265
40 CFR § 279.22(b) A.R.S. § 49-802(A)	Creation of a risk of release to soil by a failure to store used oil in containers that are in good condition that have no visible leaks
40 CFR § 279.22(d) A.R.S. § 49-802(A)	Failure of a used oil generator to perform the required clean-up steps upon detection of a release of used oil to the environment
40 CFR § 279.43 A.R.S. § 49-802(A)	Failure of a used oil transporter to deliver all used oil received to a facility listed in 40 CFR § 279.43(a)
40 CFR § 279.43(c)(1) A.R.S. § 49-802(A)	Failure of a used oil transporter to take appropriate immediate action to protect human health and the environment in the event of a discharge of used oil during transportation
40 CFR § 279.43(c)(5) A.R.S. § 49-802(A)	Failure of a transporter to clean up any used oil discharged that occurs during transportation or take any such action necessary so that the used oil discharges no longer present a hazard to human health or the environment
40 CFR § 279.44 A.R.S. § 49-802(A)	Failure of a used oil transporter to determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1000 ppm
40 CFR § 279.45(b) A.R.S. § 49-802(A)	Creation of a risk of release to soil by a failure of the owner or operator of a used oil transfer facility to store used oil in containers that are in good condition that have no visible leaks
40 CFR § 279.45(d) A.R.S. § 49-802(A)	Creation of a risk of release to soil by a failure to store used oil at transfer facilities with a secondary containment system that includes the components required by 40 CFR § 279.45
40 CFR § 279.46(b) A.R.S. § 49-802(A)	Failure to conduct more than incidental processing operations without prior notification
40 CFR § 279.52 A.R.S. § 49-802(A)	Failure of the owner or operator of a used oil processing facility to maintain and operate the facility in a manner that minimizes the possibility of a fire, explosion, or any unplanned release of used oil that could threaten human health or the environment
40 CFR § 279.52(a) A.R.S. § 49-802(A	Failure of the owner/operator of a used oil processor/re-finer to maintain aisle space to allow unobstructed movement of personnel, fire equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency

CITATION	DESCRIPTION OF MAJOR VIOLATION - SOLID WASTE
40 CFR § 279.52(b) A.R.S. § 49-802(A)	Failure of the owner or operator of a used oil processor and re-refiner facility to have a contingency plan that contains the provisions required by 40 CFR § 279.52(b)(2)
40 CFR § 279.52(b)(1)(ii) A.R.S. § 49-802(A)	Failure to carry out the provisions of the contingency plan when there is a fire, explosion, or release of used oil which could threaten human health or the environment
40 CFR § 279.53(a) A.R.S. § 49-802(A)	Failure of a used oil processor/re-refiner to determine whether the total halogen content of used oil being managed at the facility is above or below 1000 ppm
40 CFR § 279.54(b) A.R.S. § 49-802(A)	Creation of a risk of release to soil by a failure of a used oil processor/re-refiner to store used oil in containers that are in good condition that have no visible leaks
40 CFR § 279.54(c) A.R.S. § 49-802(A)	Failure of a used oil processor/re-refiner to store used oil in containers with a secondary containment system that includes the components required by 40 CFR § 279.54
40 CFR § 279.55 A.R.S. § 49-802(A)	Creation of a risk to public health or the environment by the owner or operator of a used oil processing/re-refining facility by failing to develop and follow a written analysis plan.
40 CFR § 279.59 A.R.S. § 49-802(A)	Failure of the owner or operator of a used oil processor/re-refiner who generates residues from the storage, processing, or re-refining of used oil to manage the residues as specified in 40 CFR § 279.10(e)
40 CFR § 279.60 A.R.S. § 49-802(A)	Burning of off-specification used oil fuel in a device not listed in 40 CFR §§ 279.61(a)(1-3)
40 CFR § 279.63 A.R.S. § 49-802(A)	Failure of a used oil burner to determine whether the total halogen content of used oil managed at the facility is above or below 1000 ppm
40 CFR § 279.64(a) A.R.S. § 49-802(A)	Creation of a risk of release to soil by a failure of a used oil burner to store used oil in tanks, containers, or units subject to regulation under 40 CFR §§ 264 or 265
40 CFR § 279.64(b) A.R.S. § 49-802(A)	Creation of a risk of release to soil by a failure of a used oil burner to store used oil in containers that are in good condition that have no visible leaks
40 CFR § 279.64(c) A.R.S. § 49-802(A)	Creation of a risk of release to soil by a failure of a used oil burner to store used oil in containers with a secondary containment system that include the components required by 40 CFR § 279.64
40 CFR § 279.67 A.R.S. § 49-802(A)	Failure of a used oil burner who generates residues from the storage or burning of used oil to manage the residue as specified in 40 CFR § 279.10(e)
40 CFR § 279.70 A.R.S. § 49-802(A)	Shipment by used oil fuel marketer of off-specification used oil to a used oil burner that does not have an EPA identification number or who burns used oil in a device not listed in 40 CFR §§ 279.61(a)(1-3)
40 CFR § 279.82 A.R.S. § 49-802(A)	Use of used oil as a dust suppressant

CITATION	DESCRIPTION OF MAJOR VIOLATION - SOLID WASTE
A.A.C. R18-13-1302(B)	Failure to complete the required manifest forms prior to offsite consignment of special waste
A.A.C. R18-13-1303(B)(1)	Acceptance of a special waste by a special waste shipper for intrastate shipment without a completed and signed manifest
A.A.C. R18-13-1303(B)(2)	Failure of special waste shipper to deliver an entire shipment of special waste to the special waste receiving facility designated on the manifest or take the required actions when unable to deliver the special waste to the primary or alternate receiving facility designated in the manifest
A.A.C. R18-13-1304(B)	Acceptance of a special waste by a receiving facility without first obtaining a completed manifest signed by the generator and shipper
A.A.C. R18-13-1304(B)	Failure of a special waste receiving facility to complete the "Facility" section of a manifest
A.A.C. R18-13-1307(A)	Failure of a generator of shredder residue to follow the protocol for the sampling and analysis of shredded motor vehicles in a manner that creates a risk to public health or the environment.
A.A.C. R18-13-1307(C)(1)	Failure to secure a motor vehicle shredder residue facility to prevent unauthorized entry
A.A.C. R18-13-1307(C)(2)	Failure to cover or otherwise manage a motor vehicle shredder residue pile to prevent wind dispersion
A.A.C. R18-13-1307(C)(3)	Failure to place motor vehicle shredder residue on a surface with a permeability coefficient equal to or less than 1×10^{-7} cm/s
A.A.C. R18-13-1307(C)(4)	Failure to prevent the flow of a 25-year storm onto a motor vehicle shredder residue pile
A.A.C. R18-13-1307(C)(5)	Failure to prevent run-off from a 24-hour 25 year storm event from a motor vehicle shredder residue pile
A.A.C. R18-13-1307(C)(6)	Failure to provide motor vehicle shredder residue pile run-on and run-off control systems with a permeability coefficient equal to or less than 1×10^{-7} cm/s
A.A.C. R18-13-1307(E)	Storage by a generator of shredder residue for longer than 90 days in a manner that creates a risk to public health or the environment.
A.A.C. R18-13-1307(G)	Failure to transport nonhazardous shredder residue in accordance with the requirements for transportation of garbage as set forth in A.A.C. R18-8-510 and that creates a risk to public health or the environment.
A.A.C. R18-13-1405(C)(2)	Failure to reduce non-metallic biohazardous medical waste into carbonized or mineralized ash during incineration
A.A.C. R18-13-1405(C)(3)	Failure to make a hazardous waste determination for ash generated during the incineration of biohazardous medical waste
A.A.C. R18-13-1405(C)(4)	Failure to dispose of non-hazardous waste incinerator ash generated during the incineration of biohazardous medical waste at an ADEQ approved municipal solid waste landfill

CITATION	DESCRIPTION OF MAJOR VIOLATION - SOLID WASTE
A.A.C. R18-13-1405(D)(2)	Failure to operate an autoclave according to the manufacturer's specifications when treating biohazardous medical waste
A.A.C. R18-13-1405(E)	Use of an alternative biohazardous medical waste treatment technology that has not been registered with ADEQ
A.A.C. R18-13-1405(E)(3)	Failure to follow the manufacturer specifications for operation of alternative treatment method equipment used to treat biohazardous medical waste
A.A.C. R18-13-1406(A)	Failure to package biohazardous medical waste as required by A.A.C. R18-13-1407 before self-hauling or setting the waste out for collection by a transporter
A.A.C. R18-13-1407(A)	Failure of generator to follow the applicable requirements for setting biohazardous medical waste out for collection for off-site treatment or disposal
A.A.C. R18-13-1407(C)	Use of a reusable container for a purpose other than storing biohazardous medical waste
A.A.C. R18-13-1407(D)	Reusing disposable packaging or liners that previously contained biohazardous medical waste, or failure to dispose of such as a biohazardous medical waste
A.A.C. R18-13-1408(A)	Storage of biohazardous medical waste alongside general solid waste without proper segregation and/or labeling
A.A.C. R18-13-1408(A)	Storage of biohazardous medical waste in an area used to store substances for human consumption or medical supplies
A.A.C. R18-13-1408(B)(1)	Failure to store biohazardous medical waste in a manner that restricts access to, or contact with biohazardous medical waste to authorized persons
A.A.C. R18-13-1408(C)(1)	Failure of a biohazardous medical waste generator to refrigerate putrescible biohazardous medical waste when stored for longer than seven (7) days.
A.A.C. R18-13-1408(C)(3)	Failure to keep a biohazardous medical waste storage area free of visible contamination that creates a risk to public health or the environment.
A.A.C. R18-13-1408(C)(4)	Failure of a biohazardous medical waste generator to protect biohazardous medical waste from contact with water, precipitation, wind, or animals.
A.A.C. R18-13-1408(C)(5)	Failure to handle spills of biohazardous medical waste by re-packaging, re-labeling containers, and cleaning soiled surfaces
A.A.C. R18-13-1409(E)	Failure to secure the cargo compartment of a vehicle used to transport biohazardous waste to prevent access by unauthorized persons
A.A.C. R18-13-1409(E)	Use of a vehicle to transport biohazardous waste that does not meet the applicable leak-proof construction requirements that creates a risk to public health or the environment.

CITATION	DESCRIPTION OF MAJOR VIOLATION - SOLID WASTE
A.A.C. R18-13-1409(G)(3)	Creation of a risk to public health or the environment by failing to deliver biohazardous medical waste to an ADEQ approved biohazardous medical waste facility within 24 hours of collection.
A.A.C. R18-13-1409(G)(4)	Holding biohazardous medical waste in a refrigerated vehicle for longer 96 hours at a location other than an ADEQ approved facility
A.A.C. R18-13-1409(G)(5)	Transferring or unloading biohazardous medical waste in a non-emergency situation at a location other than an ADEQ approved facility
A.A.C. R18-13-1410(A)	Failure to obtain solid waste facility plan approval prior to operating a facility utilized for the storage, transfer, treatment, or disposal of biohazardous medical waste
A.A.C. R18-13-1411(4)	Failure to protect biohazardous medical waste from contact with water, wind, precipitation or animals
A.A.C. R18-13-1411(5)	Failure to provide proper refrigeration of biohazardous medical waste if stored for longer than twenty-four (24) hours
A.A.C. R18-13-1411(7)	Failure to repackage biohazardous medical waste from a leaking, improperly labeled, or otherwise unacceptable container accepted at a storage or transfer facility
A.A.C. R18-13-1411(8)	Failure to clean a biohazardous medical waste storage area daily
A.A.C. R18-13-1413(B)(2)	Failure to obtain approval from ADEQ prior to making a Type III or Type IV change associated with an approved medical waste treatment plan
A.A.C. R18-13-1416(A)	Removal of biohazardous medical waste from a red biohazardous medical waste bag before treatment
A.A.C. R18-13-1417(1)	Accepting improperly packaged untreated biohazardous medical waste at a municipal solid waste landfill
A.A.C. R18-13-1417(2)	Failure to maintain the biohazardous medical waste disposal area separate from the general purpose disposal area at a municipal solid waste landfill
A.A.C. R18-13-1417(4)	Driving over exposed biohazardous medical waste at a municipal solid waste landfill without first placing soil over the area to prevent equipment from coming into direct contact with the waste, or dragging the waste over the area
A.A.C. R18-13-1417(5)	Failure to cover the biohazardous medical waste disposal area at a municipal solid waste landfill with a minimum of six (6) inches of compacted soil at the end of each working day
A.A.C. R18-13-1417(6)	Failure to prevent the salvaging of biohazardous medical waste at a municipal solid waste landfill
A.A.C. R18-13-1418(A)	Failure to destroy discarded drugs in a manner that prevents the drugs use

CITATION	DESCRIPTION OF MAJOR VIOLATION - SOLID WASTE
A.A.C. R18-13-1419(1)	Failure of a generator who treats biohazardous medical waste on site to render medical sharps incapable of creating a stick hazard prior to placing them in the general solid waste stream
A.A.C. R18-13-1419(2)	Failure of a generator shipping biohazardous medical waste off site to package and transport medical sharps in accordance with the applicable requirements
A.A.C. R18-13-1419(2)(b)	Failure of a treatment facility accepting medical sharps to render medical sharps incapable of creating a stick hazard
A.A.C. R18-13-1420(A)(1)	Failure to meet the treatment and packaging requirements for cultures and stocks
A.A.C. R18-13-1420(A)(2)	Failure to incinerate or dispose of chemotherapy waste in an approved solid waste or hazardous waste disposal facility
A.A.C. R18-13-1420(B)	Failure to conduct grinding of biohazardous medical waste in a closed system to prevent humans from being exposed to the release of the waste into the environment
A.A.C. R18-13-303(A)	Creation of a risk to public health or the environment by placing, depositing or allowing to be placed or deposited refuse or other objectionable waste on a person's premises or on any public street, road, or alley in a manner not described in rule
A.R.S. § 44-1304(A)	Disposal of waste tires in a landfill or by incineration
A.R.S. § 44-1304(B)	Improper disposal of waste tires
A.R.S. § 49-241(A)	Discharge without an aquifer protection permit
A.R.S. § 49-241(B)(2)	Operation of a solid waste disposal facility without an aquifer protection permit
A.R.S. § 49-241(B)(4)	Operation of a land treatment facility without an aquifer protection permit
A.R.S. § 49-791(A)(5)	Creation of a risk to human health and the environment by operating a solid waste facility in a manner inconsistent with the solid waste facility plan after it has been approved
A.R.S. § 49-802(C)(2)	Failure of a person sending used oil fuel to a person who burns the used oil for energy recovery to certify that the used oil fuel meets the used oil specifications in 40 CFR Part 279
A.R.S. § 49-803(A)(1)	Discharge of used oil into sewers or waters of the state without a permit issued by the appropriate regulatory authorities
A.R.S. § 49-803(A)(2)	Incineration of used oil at a facility not authorized to incinerate hazardous waste under A.R.S. § 49-922
A.R.S. § 49-803(A)(3)	Disposal of used oil on land in a manner other than disposal at a landfill regulated under 40 CFR Part 257 or 258 that has an approved solid waste facility plan
A.R.S. § 49-803(A)(4)	Dispersal of used oil as a dust suppressant or contact herbicide

CITATION	DESCRIPTION OF MAJOR VIOLATION - SOLID WASTE
A.R.S. § 49-857(A)	Failure of a facility that manages special waste for treatment, storage, or disposal to apply for and obtain approval of ADEQ
A.R.S. § 49-762.03(A)(1)	Failure of a new solid waste facility to obtain a solid waste facility plan approval before commencing construction of the solid waste facility
A.R.S. § 49-762.03(A)(2)	Failure of an existing solid waste facility to file a solid waste facility plan with the Department within 180 days after the effective date of rules adopted pursuant to A.R.S. § 49-761
A.R.S. § 49-762.06(B)	Implementation prior to obtaining ADEQ approval for a Type III or IV change to the design or operation of an approved solid waste facility
A.R.S. 49-762.07(F)(1)	Creation of a risk to human health or the environment by failure of the operator of a solid waste facility other than a solid waste landfill to collect solid waste that is dispersed beyond the boundaries of the solid waste facility on a regular basis.
A.R.S. 49-762.07(F)(1)	Creation of a risk to human health and the environment by failure of the owner or operator of a solid waste facility other than a solid waste landfill to operate a facility in manner that controls wind dispersion and other surface dispersion of solid waste from the facility.
A.R.S. 49-762.07(F)(2)	Failure of owner or operator of a solid waste facility other than solid waste landfills to operate a facility in manner that does not discharge hazardous substances to surface water, groundwater, or subsurface soil.
A.R.S. 49-762.07(F)(3)	Creation of a risk to human health or the environment by failure of the owner or operator of a solid waste facility other than a solid waste landfill to operate a facility in manner that controls vector breeding and fire hazards.
A.R.S. 49-762.07(F)(4)	Failure of the owner or operator of a solid waste facility other than a solid waste landfill to operate a facility in manner that utilizes reasonable measures to control public access to medical waste generated by health care facilities or special waste.
A.R.S. § 44-1304.01(A)(1)	Creation of a risk to public health or the environment by storing 100 or more used motor vehicle tires outdoors in a fashion that exceeds twenty feet in height.
A.R.S. § 44-1304.01(A)(2)	Creation of a risk to public health or the environment by storing used motor vehicle tires outdoors in a pile that is more than one hundred fifty feet from a twenty foot wide access route that allows fire control apparatus to approach the pile.
A.R.S. § 44-1304.01(A)(2)	Creation of a risk to public health or the environment by storing used motor vehicle tires outdoors in a manner that does not provide access routes between and around tire piles that are at least twenty feet wide and maintained free of accumulations of rubbish, equipment or other materials.

CITATION	DESCRIPTION OF MAJOR VIOLATION - SOLID WASTE
A.R.S. § 44-1304.01(A)(2)	Creation of a risk to public health or the environment by storing used motor vehicle tires outdoors in a grid system that exceeds fifty feet by one hundred fifty feet.
A.R.S. § 44-1304.01(A)(3)	Creation of a risk to public health or the environment by storing used motor vehicle tires outdoors within three feet of any property line.
A.R.S. § 44-1304.01(A)(4)	Creation of a risk to public health or the environment by storing used motor vehicle tires outdoors in a fashion that exceeds six feet in height if the used tires are stored between three and ten feet of any property line.
A.R.S. § 44-1304.01(A)(5)	Creation of a risk to public health or the environment by storing used motor vehicle tires outdoors within fifty feet of any area in which smoking of tobacco or any other substance is permitted.
A.R.S. § 44-1304.01(A)(6)	Creation of a risk to public health or the environment by storing used motor vehicle tires outdoors in an area in which electrical wiring, fixtures or appliances do not comply with the national electrical code.
A.R.S. § 44-1304.01(A)(7)	Creation of a risk to public health or the environment by storing used motor vehicle tires without placing class “2A-10BC” type fire extinguishers at well marked points throughout the storage area so that the travel distance from any point in the storage area to a fire extinguisher is not more than seventy-five feet.
A.A.C. R18-8-1602(A)	Dilution of Petroleum Contaminated Soils with a material or substance for the purposes of avoiding the applicability of the Petroleum Contaminated Soils rules
A.A.C. R18-8-1602(B)(5)	Failure to dispose of Petroleum Contaminated Soils used in a treatability study in accordance with Title 18, Chapter 8, Article 16 of the A.A.C.
A.A.C. R18-8-1602(B)(6)	Failure to sample Petroleum Contaminated Soils in accordance with A.A.C. R18-8-1604(B) and (C) before and after a treatability study is performed
A.A.C. R18-8-1604(A)	Failure to make a waste determination for excavated soil contaminated with petroleum
A.A.C. R18-8-1605(B)	Transportation of Petroleum Contaminated Soil in a manner that has posed a threat to human health or the environment by failing to use a closed container or a vehicle that is loaded to prevent the contents from blowing, falling, leaking, or spilling from the vehicle
A.A.C. R18-8-1605(C)	Delivery of Petroleum Contaminated Soil to a special waste facility that has not obtain approval from ADEQ
A.A.C. R18-8-1607(A)	Failure of Petroleum Contaminated Soil treatment, storage, or disposal facility to obtain facility plan approval prior to construction and/or operation

CITATION	DESCRIPTION OF MAJOR VIOLATION - SOLID WASTE
A.A.C. R18-8-1607(D)	Following completion of construction of a Petroleum Contaminated Soil treatment, storage, or disposal facility, placement of Petroleum Contaminated Soil on the site in a manner that creates a risk to public health or the environment without first submitting a construction certification report, including as-built plans indicating any changes to the design or operational plans of the facility to ADEQ.
A.A.C. R18-8-1608(A)(1)	Violation of an Aquifer Water Quality Standard at the applicable point of compliance as a result of a discharge from a Petroleum Contaminated Soil treatment, storage, or disposal facility
A.A.C. R18-8-1608(A)(2)	Further degradation of an aquifer that already violates an Aquifer Water Quality Standard at the applicable point of compliance as a result of the discharge from a Petroleum Contaminated Soil treatment, storage, or disposal facility
A.A.C. R18-8-1609(A)(1)	Dilution of Petroleum Contaminated Soil as a method of treatment at a Petroleum Contaminated Soil treatment facility
A.A.C. R18-8-1609(A)(2)	Failure to treat Petroleum Contaminated Soil to below regulatory limits at a Petroleum Contaminated Soil treatment facility
A.A.C. R18-8-1609(A)(3)	Failure to sample treated petroleum contaminated soil.
A.A.C. R18-8-1610(A)	Dilution of Petroleum Contaminated Soil as a form of treatment at a temporary treatment facility
A.A.C. R18-8-1610(B)	Failure to obtain plan approval from the Department prior to commencing construction or operation of a temporary treatment facility
A.A.C. R18-8-1611(B)	Failure to prohibit the commingling of different shipments of Petroleum Contaminated Soil at a storage facility prior to obtaining all sampling results.
A.A.C. R18-8-1611(B)	Storage of PCS in a manner that allows commingling with treated soils.
A.A.C. R18-8-1611(C)	Failure of a Petroleum Contaminated Soil storage facility to obtain plan approval from the Department prior to commencement of construction or operation Failure of a Petroleum Contaminated Soil storage facility to obtain plan approval from the Department prior to commencement of construction or operation
A.A.C. R18-8-1611(E)(1)	Failure to prevent a tank or container used to store Petroleum Contaminated Soil from leaking free liquids
A.A.C. R18-8-1611(F)(1)	Failure to cover or otherwise manage storage piles in a manner that controls wind dispersion of Petroleum Contaminated Soils
A.A.C. R18-8-1611(F)(1)	Creation of a risk to public health or the environment by failing cover or otherwise manage storage piles in a manner that controls wind dispersal of Petroleum Contaminated Soils
A.A.C. R18-8-1611(F)(2)	Failure to inspect Petroleum Contaminated Soil storage piles or prepare written inspection records of the inspection of Petroleum Contaminated Soil storage piles

CITATION	DESCRIPTION OF MAJOR VIOLATION - SOLID WASTE
40 CFR § 257.3-6(a) A.R.S. § 49-762.07(E)	Creation of a risk to public health or the environment by failing to prevent or control on-site populations of disease vectors at a non-municipal solid waste landfill through the periodic application of cover material or other techniques as appropriate so as to protect public health.
40 CFR § 257.3-6(c)(4) A.R.S. § 49-762.07(E)	Creation of a risk to public health or the environment at a non-municipal solid waste landfill by failing to cover disposed solid waste with six inches of earthen material at the end of each operating day, or at such frequencies and in such a manner as to reduce the risk of fire and to impede vectors access to the waste
40 CFR § 257.3-7 A.R.S. § 49-762.07(E)	Open burning of solid waste at a non-municipal solid waste landfill
40 CFR § 257.3-8(a)(1) A.R.S. § 49-762.07(E)	Exceedance of the lower explosive limit (LEL) for explosive gases by 25% in a facility structure at a non-municipal solid waste landfill
40 CFR § 257.3-8(a)(2) A.R.S. § 49-762.07(E)	Exceedance of the lower explosive limit (LEL) for explosive gases at the property boundary at a non-municipal solid waste landfill
A.A.C. R18-9-A208(A)	Failure to follow a compliance schedule established in an individual aquifer protection permit in a manner that creates a risk to public health or the environment.

APPENDIX L12

SOLID WASTE MINOR VIOLATIONS

CITATION	DESCRIPTION OF MINOR VIOLATION - SOLID WASTE
40 CFR § 257.3-6(a) A.R.S. § 49-762.07(E)	Failure to prevent or control on-site populations of disease vectors at a non-municipal solid waste landfill through the periodic application of cover material or other techniques as appropriate so as to protect public health
40 CFR § 257.3-6(c)(4) A.R.S. § 49-762.07(E)	Failure to cover disposed solid waste with six inches of earthen material at the end of each operating day, or at such frequencies and in such a manner as to reduce the risk of fire and to impede vectors' access to waste at a non-municipal solid waste landfill
40 CFR § 258.20(a)(2) A.R.S. § 49-761(B)	Failure to keep records of random inspections of incoming waste loads at a Municipal Solid Waste Landfill
40 CFR § 258.21(a) A.R.S. § 49-761(B)	Failure to cover disposed solid waste with six inches of earthen material (or an ADEQ approved alternative daily cover) at the end of each operating day, or at more frequent intervals as necessary at a municipal solid waste landfill
40 CFR § 258.23(c)(2) A.R.S. § 49-761(B)	Failure to place a notice of detection of a methane exceedance at a municipal solid waste landfill in the operating record and a description of the steps taken to protect human health within seven days of the detection
40 CFR § 258.29 A.R.S. § 49-761(B)	Failure of the owner or operator of a municipal solid waste landfill to retain records as described in 40 CFR §§ 258.29(a)(1-8) near the facility
40 CFR § 279.22(a) A.R.S. § 49-802(A)	Failure of a used oil generator, or do-it-yourselfer (DIY) to store used oil in tanks, containers, or units subject to regulation under 40 CFR §§ 264 or 265
40 CFR § 279.22(b) A.R.S. § 49-802(A)	Failure to store used oil in containers that are in good condition that have no visible leaks
40 CFR § 279.22(c) A.R.S. § 49-802(A)	Failure to properly label containers or above ground tanks or fill pipes used to store used oil at a generator facility
40 CFR § 279.45(b) A.R.S. § 49-802(A)	Failure of the owner or operator of a used oil transfer facility to store used oil in containers that are in good condition that have no visible leaks
40 CFR § 279.45(d) A.R.S. § 49-802(A)	Failure to store used oil at transfer facilities with a secondary containment system that includes the components required by 40 CFR § 279.45
40 CFR § 279.46(a) A.R.S. § 49-802(A)	Failure of a used oil transporter to keep record of each used oil shipment accepted for transport that include the information required by 40 CFR §§ 279.46(a)(1-5)
40 CFR § 279.46(b) A.R.S. § 49-802(A)	Failure of a used oil transporter to keep a record of each shipment of used oil delivered to another used oil transporter, burner, processor/re-refiner, or disposal facility that includes the information required by 40 CFR §§ 279.46(b)(1-5)

CITATION	DESCRIPTION OF MINOR VIOLATION - SOLID WASTE
40 CFR § 279.54(b) A.R.S. § 49-802(A)	Failure of a used oil processor/re-refiner to store used oil in containers that are in good condition that have no visible leaks
40 CFR § 279.55 A.R.S. § 49-802(A)	Failure of the owner or operator of a used oil processing and re-refining facility to keep a written analysis plan at the facility
40 CFR § 279.55 A.R.S. § 49-802(A)	Failure of the owner or operator of a used oil processing/re-refining facility to develop and follow a written analysis plan.
40 CFR § 279.56(a)(b) A.R.S. § 49-802(A)	Failure of a used oil processor/re-refiner to maintain records of each used oil shipment accepted for processing/re-refining and/or each shipment of used oil delivered to a used oil burner, processor/re-refiner, or disposal facility
40 CFR § 279.57 A.R.S. § 49-802(A)	Failure of a used oil processor/re-refiner to keep a written operating record at the facility that contains the information required by 40 CFR § 279.57(a)(2)
40 CFR § 279.58 A.R.S. § 49-802(A)	Failure of a used oil processor/re-refiner to use a used oil transporter who has obtained an EPA identification number when initiating shipments of used oil off-site
40 CFR § 279.64 A.R.S. § 49-802(A)	Failure of a used oil burner to store used oil in containers with a secondary containment system that include the components required by 40 CFR § 279.64
40 CFR § 279.64(a) A.R.S. § 49-802(A)	Failure of a used oil burner to store used oil in tanks, containers, or units subject to regulation under 40 CFR §§ 264 or 265
40 CFR § 279.64(b) A.R.S. § 49-802(A)	Failure of a used oil burner to store used oil in containers that are in good condition that have no visible leaks
40 CFR § 279.64(f) A.R.S. § 49-802(A)	Failure to properly label containers, above ground tanks, or fill pipes used to store used oil at a burner facility
40 CFR § 279.65 A.R.S. § 49-802(A)	Failure of a used oil burner to keep a record of each used oil shipment accepted for burning that contain the information required by 40 CFR §§ 279.65(a)(1-6)
40 CFR § 279.66 A.R.S. § 49-802(A)	Failure of a used oil burner to provide a one-time written and signed certification notice containing the information required by 40 CFR §§ 279.66(b)(1-2) to the generator, transporter, or processor/re-refiner prior to accepting a shipment of off-specification used-oil fuel
40 CFR § 279.72 A.R.S. § 49-802(A)	Failure of a generator, transporter, processor/re-refiner, or burner who first claims that used oil burned for energy recovery meets the specifications for used oil fuel under 40 CFR § 279.11 to keep copies of analyses of used oil for three years
40 CFR § 279.74(a) A.R.S. § 49-802(A)	Failure of a used oil marketer who directs a shipment of off-specification used oil to a used oil burner to keep a record of each shipment of used oil to the burner that contain the information required by 40 CFR §§ 279.74(a)(1-6)

CITATION	DESCRIPTION OF MINOR VIOLATION - SOLID WASTE
40 CFR § 279.74(b) A.R.S. § 49-802(A)	Failure of a generator, transporter, processor/re-refiner, or burner who first claims that used oil burned for energy recovery meets the fuel specifications under 40 CFR § 279.11 to keep a record of each shipment of used oil to an on-specification used oil burner for at least three years
40 CFR § 279.75 A.R.S. § 49-802(A)	Failure of a used oil generator, transporter, or processor/re-refiner to obtain a one-time written and signed notice from a used oil burner containing the information required by 40 CFR §§ 279.66(b)(1-2) prior to directing the first shipment of off-specification oil to the burner
A.A.C. R18-13-1204	Failure to file with the Department an annual report which documents the location of each burial cell established during the proceeding calendar year, the alphabetical or numerical identifier of each burial cell, and the number of off-road motor vehicle waste tires which were placed in each burial cell for burial during the preceding calendar year. If no tires were placed in the burial cell for burial during the preceding year, the annual report shall so indicate.
A.A.C. R18-13-1302(A)	Failure of special waste generator to obtain a generator identification number prior to shipping special waste
A.A.C. R18-13-1302(C)	Failure of a special waste generator to provide to ADEQ a complete special waste manifest within 14 days after a shipment was accepted by a special waste shipper
A.A.C. R18-13-1302(D)	Failure of a special waste generator to contact the special waste shipper and special waste receiving facility to determine the status of special waste when the generator did not receive a completed copy of a manifest within 35 days of the date special waste was accepted by the shipper
A.A.C. R18-13-1302(E)	Failure of a special waste generator to submit an exception report to ADEQ when the generator did not receive a completed copy of a manifest within 45 days of the date special waste was accepted by the shipper
A.A.C. R18-13-1302(F)	Failure of generator to retain a copy of a signed special waste manifest for three years from the date of the acceptance of special waste for off-site consignment
A.A.C. R18-13-1303(A)	Failure of special waste shipper to obtain a special waste shipper identification number
A.A.C. R18-13-1304(A)	Failure of a special waste receiving facility to obtain an identification number prior to receiving special waste
A.A.C. R18-13-1304(C)	Failure of a special waste receiving facility to provide to ADEQ a complete special waste manifest within 30 days of the delivery of special waste
A.A.C. R18-13-1304(D)(1)	Failure of special waste receiving facility to contact the generator to attempt to reconcile a manifest discrepancy
A.A.C. R18-13-1304(D)(2)	Failure of a special waste receiving facility to notify ADEQ within 5 days when a special waste manifest discrepancy was not resolved within 15 days of receiving the waste

CITATION	DESCRIPTION OF MINOR VIOLATION - SOLID WASTE
A.A.C. R18-13-1305	Failure to retain records required by Title 18, Chapter 13, Article 13 for at least three years
A.A.C. R18-13-1307(A)	Failure of a generator of shredder residue to follow the protocol for the sampling and analysis of shredded motor vehicles.
A.A.C. R18-13-1307(C)(7)	Failure to record the date accumulation of shredder residue began
A.A.C. R18-13-1307(E)	Generator storage of motor vehicle shredder residue for longer than 90 days
A.A.C. R18-13-1307(E)	Special waste facility storage of motor vehicle shredder residue for longer than one year
A.A.C. R18-13-1307(F)	Failure of the owner or operator of a special waste facility to pay to the Department 66¢ per cubic yard of uncompacted shredder residue, $1.50 per cubic yard of compacted shredder residue, or $2.00 per ton of shredder residue received.
A.A.C. R18-13-1307(G)	Failure to transport nonhazardous shredder residue in accordance with the requirements for transportation of garbage as set forth in A.A.C. R18-8-510.
A.A.C. R18-13-1405(D)(1)	Failure to further process recognizable animal and human tissues unrecognizable after using an autoclave to treat biohazardous medical waste
A.A.C. R18-13-1405(D)(4)	Failure to keep adequate maintenance records for an autoclave used to treat biohazardous medical waste
A.A.C. R18-13-1405(E)(2)	Failure to further process recognizable animal and human tissues unrecognizable after using an alternative treatment method to treat biohazardous medical waste
A.A.C. R18-13-1405(E)(5)	Failure to maintain a training manual regarding the proper operation of alternative treatment method equipment used to treat biohazardous medical waste
A.A.C. R18-13-1405(E)(6)	Failure to maintain a treatment record for the operation of alternative treatment method equipment used to treat biohazardous medical waste
A.A.C. R18-13-1405(E)(8)	Failure to maintain equipment specifications for alternative treatment method equipment used to treat biohazardous medical waste
A.A.C. R18-13-1406(B)	Failure to retain for one year a copy of a biohazardous medical waste tracking document signed by the transporter
A.A.C. R18-13-1408(B)(2)	Failure to display the universal biohazard symbol or post the required warning signs in an area used to store biohazardous medical waste
A.A.C. R18-13-1408(C)(2)	Storage of biohazardous medical waste for longer than ninety days without first obtaining approval from ADEQ
A.A.C. R18-13-1408(C)(3)	Failure to keep a biohazardous medical waste storage area free of visible contamination.

CITATION	DESCRIPTION OF MINOR VIOLATION - SOLID WASTE
A.A.C. R18-13-1408(C)(6)	Failure to minimize objectionable odors and the off-site migration of odors associated with storage of biohazardous medical waste
A.A.C. R18-13-1409(A)	Failure to register with ADEQ as a transporter of biohazardous medical waste prior to the transport of biohazardous medical waste
A.A.C. R18-13-1409(C)	Failure to maintain a transportation management plan in a vehicle used to transport biohazardous medical waste
A.A.C. R18-13-1409(D)	Failure to leave a copy of a biohazardous medical waste tracking document with the generator
A.A.C. R18-13-1409(D)	Failure to obtain a copy of a biohazardous medical waste tracking document from the receiving facility
A.A.C. R18-13-1409(E)	Use of a vehicle to transport biohazardous waste that does not meet the applicable leak-proof construction requirements.
A.A.C. R18-13-1409(G)(3)	Failure to deliver biohazardous medical waste to an ADEQ approved biohazardous medical waste facility within 24 hours of collection.
A.A.C. R18-13-1411(2)	Failure to post the universal biohazard symbol at a biohazardous medical waste storage or transfer facility
A.A.C. R18-13-1411(6)	Accepting biohazardous medical waste at a storage or transfer facility without the tracking form
A.A.C. R18-13-1411(8)	Failure to clean a biohazardous medical waste storage area daily.
A.A.C. R18-13-1413(B)(2)	Failure to provide notice to ADEQ prior to making a Type II change associated with an approved medical waste treatment plan
A.A.C. R18-13-1417(3)	Failure to clearly label the biohazardous medical waste disposal area at a municipal solid waste landfill with signage that informs persons that the area contains untreated biohazardous medical waste
A.A.C. R18-13-303(A)	Placing, depositing, or allowing to be placed or deposited refuse or other objectionable waste on a person's premises or on any public street, road, or alley in a manner not described in rule
A.A.C. R18-8-1602(B)(1)	Failure to notify ADEQ of the intent to conduct a treatability study at least 30 days prior to the commencement of the treatability study
A.A.C. R18-8-1602(B)(2)	Use of greater than 5000 kilograms of Petroleum Contaminated Soils in a treatability study without permission from ADEQ
A.A.C. R18-8-1602(B)(3)	Failure to maintain records detailing a treatability study and the results for three years
A.A.C. R18-8-1602(B)(4)	Failure to complete a treatability study and remove Petroleum Contaminated Soils within 1 year from the commencement of the study.
A.A.C. R18-8-1604(B)	Failure to utilize EPA Method SW-846 or ADEQ's "Quality Assurance Project Plan" for sampling and analyzing soil contaminated with petroleum

CITATION	DESCRIPTION OF MINOR VIOLATION - SOLID WASTE
A.A.C. R18-8-1605(A)	Transportation of Petroleum Contaminated Soils by someone other than a special waste shipper which has met the requirements of A.A.C. R18-8-303
A.A.C. R18-8-1605(B)	Transportation of Petroleum Contaminated Soils without a closed container or in a manner that allows contents to blow, fall, leak, or spill from the vehicle
A.A.C. R18-8-1606	Failure of a facility that receives Petroleum Contaminated Soils to remit to the Department a $2.00/ton fee in accordance with A.R.S. § 49-863
A.A.C. R18-8-1607(D)	Following completion of construction of a Petroleum Contaminated Soil treatment, storage, or disposal facility, placement of Petroleum Contaminated Soil on the site without first submitting a construction certification report, including as-built plans indicating any changes to the design or operational plans of the facility to ADEQ.
A.A.C. R18-8-1607(E)	Submittal of plans associated with an application for a special waste treatment, storage, or disposal facility plan without the seal of a professional engineer registered in the state of Arizona when required by statute
A.A.C. R18-8-1609(A)(3)	Failure to provide the results of post treatment sampling of Petroleum Contaminated Soils to the Department within 45 days of completion of the treatment.
A.A.C. R18-8-1610(A)	Failure to remove all Petroleum Contaminated Soils from a temporary treatment facility within one year from receipt of contaminated Petroleum Contaminated Soils for treatment
A.A.C. R18-8-1610(C)	Operation of a temporary treatment facility for more than one year without an extension from ADEQ
A.A.C. R18-8-1611(A)	Storage of a load of Petroleum Contaminated Soils for more than one year from receipt
A.A.C. R18-8-1611(D)	Failure to properly label a Petroleum Contaminated Soils storage area, tank or container
A.A.C. R18-8-1611(F)(2)	Failure to inspect Petroleum Contaminated Soil storage piles on a weekly basis.
A.A.C. R18-9-A208(A)	Failure to follow a compliance schedule established in an individual aquifer protection permit.
A.R.S. § 44-1302(K)	Failure to include in an advertisement or other printed promotional material for retail sale of tires the following: A State or local taxes or surcharges for environmental protection will be an extra charge.
A.R.S. § 44-1303	Failure of an owner or operator of a waste tire collection site to register with ADEQ
A.R.S. § 44-1304.01(A)	Failure to properly store one hundred or more used motor vehicle tires
A.R.S. § 44-1304.01(A)(1)	Storage of 100 or more used motor vehicle tires outdoors in a fashion that exceeds twenty feet in height.

CITATION	DESCRIPTION OF MINOR VIOLATION - SOLID WASTE
A.R.S. § 44-1304.01(A)(2)	Storage of used motor vehicle tires outdoors in a pile that is more than one hundred fifty feet from a twenty foot wide access route that allows fire control apparatus to approach the pile.
A.R.S. § 44-1304.01(A)(2)	Storage of used motor vehicle tires outdoors in a manner that does not provide access routes between and around tire piles that are at least twenty feet wide and maintained free of accumulations of rubbish, equipment or other materials.
A.R.S. § 44-1304.01(A)(2)	Storage of used motor vehicle tires outdoors in a grid system that exceeds fifty feet by one hundred fifty feet.
A.R.S. § 44-1304.01(A)(3)	Storage of used motor vehicle tires outdoors within three feet of any property line.
A.R.S. § 44-1304.01(A)(4)	Storage of used motor vehicle tires outdoors in a fashion that exceeds six feet in height if the used tires are stored between three and ten feet of any property line.
A.R.S. § 44-1304.01(A)(5)	Storage of used motor vehicle tires outdoors within fifty feet of any area in which smoking of tobacco or any other substance is permitted.
A.R.S. § 44-1304.01(A)(6)	Storage of used motor vehicle tires outdoors in an area in which electrical wiring, fixtures or appliances do not comply with the national electrical code.
A.R.S. § 44-1304.01(A)(7)	Storage of used motor vehicle tires without placing class “2A-10BC” type fire extinguishers at well marked points throughout the storage area so that the travel distance from any point in the storage area to a fire extinguisher is not more than seventy-five feet.
A.R.S. § 44-1305(C)	Failure to submit a waste tire management plan by September 1st of each year
A.R.S. § 44-1306(C)	Failure to submit a waste tire program annual report
A.R.S. § 49-747(A)	Failure to register a solid waste landfill with ADEQ
A.R.S. § 49-747(C)	Failure to pay to ADEQ an annual solid waste landfill registration fee
A.R.S. § 49-762.06(C)	Failure to submit a notice of a Type II change to ADEQ
A.R.S. § 49-762.07(A)	Failure to submit to ADEQ no later than September 1, 1996, required information for a solid waste facility in operation on September 1, 1996
A.R.S. § 49-762.07(B)	Failure to submit required information to ADEQ at least 30 days prior to beginning operation of a solid waste facility after September 1, 1996
A.R.S. § 49-791(A)(5)	Operation of a solid waste facility in a manner inconsistent with the solid waste facility plan after it has been approved
A.R.S. § 49-802(C)(1)	Failure of a used oil collection center to register with ADEQ by providing the required information to obtain an identification number
A.R.S. § 49-802(C)(3)	Failure of a used oil transporter, marketer, processor, and re-refiner to submit either a written quarterly report containing tracking information required by 40 CFR Part 279 or a summary of such tracking information

CITATION	DESCRIPTION OF MINOR VIOLATION - SOLID WASTE
A.R.S. § 49-802(C)(4)	Failure of a person burning used oil fuel in devices identified in 40 CFR § 279.61(a)(1-3) to submit a written annual report containing the information listed in A.R.S. § 49-802(C)(4)(a-h) by February 1 for the previous calendar year
A.R.S. § 49-802(C)(5)	Failure of used oil marketers and used oil burners to label on-specification used oil tanks with the words “on-specification used oil”
A.R.S. § 49-857.01(B)	Failure to submit a modified Special Waste Facility Plan within 90 days of receipt of a written denial of a Special Waste Facility Plan by ADEQ
A.R.S. § 49-860(A)	Failure of a special waste shipper to submit to ADEQ an annual report
A.R.S. § 49-860(B)	Failure to submit to ADEQ an annual report for a treatment, storage or disposal facility that receives special waste from off site
A.R.S. § 49-860(C)	Failure to submit to ADEQ an annual report for a facility that generates and treats, stores, or disposes of special waste
A.R.S. § 49-863(B)	Failure of a generator of special waste to maintain for three years accurate records of special waste transported to off-site facilities for treatment, storage, or disposal
A.R.S. 49-762.07(F) (1)	Failure of the operator of a solid waste facility other than a solid waste landfill to collect solid waste that is dispersed beyond the boundaries of the solid waste facility on a regular basis.
A.R.S. 49-762.07(F) (1):	Failure of the owner or operator of a solid waste facility other than a solid waste landfill to operate a facility in manner that controls wind dispersion and other surface dispersion of solid waste from the facility.
A.R.S. 49-762.07(F)(3)	Failure of the owner or operator of a solid waste facility other than a solid waste landfill to operate a facility in manner that controls vector breeding and fire hazards.

APPENDIX L13

UST INSPECTIONS & COMPLIANCE MAJOR VIOLATIONS

CITATION	DESCRIPTION OF MAJOR VIOLATION – UST
A.A.C. R18-12-220(A)	Failure to prevent releases due to structural failure, corrosion, or spills and overspills for as long as the UST is used to store regulated substances
A.A.C. R18-12-221(A)	Failure to ensure that an existing UST system meets either new tank standards, upgrade standards, or closure requirements by December 22, 1998
A.A.C. R18-12-221(F)	Failure to demonstrate compliance with the Upgrading of UST Systems requirements of A.A.C. R18-12-221
A.A.C. R18-12-230(B)	Failure to investigate, or clean up a spill or overfill associated with a UST system
A.A.C. R18-12-231(A)	Failure to operate and maintain corrosion protection continuously to provide corrosion protection to the metal components of a UST system
A.A.C. R18-12-233(A)(1)	Failure to ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances
A.A.C. R18-12-233(C)	Failure to test the cathodic protection system within six (6) months of a repair of a cathodically protected UST system.
A.A.C. R18-12-234(A)(1)	Failure to report a release or suspected release from a UST system to ADEQ
A.A.C. R18-12-234(A)(4)	Failure to submit a site assessment report to ADEQ
A.A.C. R18-12-240(A)(1)	Failure to provide a method of release detection that can detect a release from any portion of the UST system that routinely contains a regulated substance.
A.A.C. R18-12-240(B)	Failure to notify ADEQ when operation of a release detection method indicates a release may have occurred
A.A.C. R18-12-241(A)	Failure to monitor a UST for releases at least once every month
A.A.C. R18-12-241(B)(1)	Failure to provide an appropriate method of release detection to an underground piping system that conveys product under pressure
A.A.C. R18-12-241(B)(2)	Failure to provide an appropriate method of release detection to an underground piping systems conveys product under suction
A.A.C. R18-12-242(A)	Failure to provide an appropriate method of release detection to a hazardous substance UST system
A.A.C. R18-12-242(B)(1)(a)	Failure to provide a method of release detection to a hazardous substance UST system whereby the secondary containment system is designed, constructed and installed to contain the substance
A.A.C. R18-12-242(B)(1)(b)	Failure to provide a method of release detection to a hazardous substance UST system whereby the secondary containment system is designed, constructed and installed to prevent the release of the substance to the environment during the operational life of the system

CITATION	DESCRIPTION OF MAJOR VIOLATION – UST
A.A.C. R18-12-242(B)(1)(c)	Failure to check the secondary containment system to a hazardous substance UST for evidence of a release at least monthly
A.A.C. R18-12-242(B)(2)(a)	Failure to provide a method of release detection to a new hazardous substance UST system whereby double-walled tanks are designed, constructed and installed to contain a release from any portion of the inner tank within the inner wall
A.A.C. R18-12-242(B)(2)(b)	Failure to provide a method of release detection to a new hazardous substance UST system whereby double-walled tanks are designed, constructed and installed to detect the failure of the inner wall
A.A.C. R18-12-242(B)(3)(a)	Failure to provide a method of release detection to a new hazardous substance UST system whereby the external liners, including vaults, are designed to contain 100% of the capacity of the largest UST system within its boundary
A.A.C. R18-12-242(B)(3)(b)	Failure to provide a method of release detection to a new hazardous substance UST system whereby the external liners, including vaults, are designed to prevent precipitation or groundwater form interfering with its ability to contain or detect a release of regulated substance
A.A.C. R18-12-242(B)(3)(c)	Failure to provide a method of release detection to a new hazardous substance UST system whereby the external liners, including vaults, are designed to surround the tank completely to prevent lateral and vertical migration of regulated substance
A.A.C. R18-12-242(B)(4)	Failure to provide a method of release detection to a new hazardous substance UST system whereby underground piping is equipped with secondary containment and pressurized piping is equipped with a automatic line leak detector
A.A.C. R18-12-242(B)(5)(a)	Use of a release detection system not listed in rule for a hazardous substance UST system without demonstrating to ADEQ that the alternative method is as effective as a method listed in rule
A.A.C. R18-12-242(B)(5)(b)	Use of a release detection system not listed in rule for a hazardous substance UST system without providing information to ADEQ on effective corrective action technologies, health risks, and the chemical and physical properties of the stored substance, and the characteristics of the UST site
A.A.C. R18-12-242(B)(5)(c)	Use of a release detection system not listed in rule for a hazardous substance UST system without obtaining approval from ADEQ in writing prior to installation and operation of the UST system
A.A.C. R18-12-243	Failure to conduct inventory control for a UST according to the applicable requirements on a monthly basis
A.A.C. R18-12-270(B)	Failure to continue to operate and maintain corrosion protection, release detection, or to report a release or suspected release during temporary closure

CITATION	DESCRIPTION OF MAJOR VIOLATION – UST
A.A.C. R18-12-270(C)	Failure to cap and secure all lines (except vent lines), pumps, manholes and ancillary equipment on a UST system that is temporarily closed for 3 months or more
A.A.C. R18-12-271(C)(5)	Failure to perform a site assessment prior to completion of the permanent closure or change-in-service when permanently closing or making a change-in-service to a UST system
A.A.C. R18-12-271(C)(5)	Failure to take samples at the time of tank removal when permanently closing or making a change-in-service to a UST system
A.A.C. R18-12-272(A)	Failure to measure for the presence of a release at a UST site by taking samples for laboratory analysis before completing a permanent closure or change in-service
A.A.C. R18-12-274	Failure to report to ADEQ a release or suspected release that is discovered during temporary closure, permanent closure, or change-in-service

APPENDIX L14

UST INSPECTIONS & COMPLIANCE MINOR VIOLATIONS

CITATION	DESCRIPTION OF MINOR VIOLATION - UST
A.A.C. R18-12-211(A)(1)	Installation of a UST for the purpose of storing regulated substances without ensuring that the UST system will prevent releases due to corrosion or structural failure for the operational life of the UST system
A.A.C. R18-12-211(A)(2)	Installation of a UST for the purpose of storing regulated substances without ensuring that the UST system is cathodically protected against corrosion, constructed of noncorrodible material, steel clad with a noncorrodible material, or designed in a manner to prevent the release or threatened release of any stored substance
A.A.C. R18-12-211(A)(3)	Installation of a UST for the purpose of storing regulated substances without ensuring that the UST system is constructed or lined with material that is compatible with the stored substance
A.A.C. R18-12-211(B)	Failure to maintain records that demonstrate a UST system is installed in an area determined not to be corrosive enough to cause a release during its operational life
A.A.C. R18-12-211(C)	Failure to use National Association of Corrosion Engineers Standard RP0285-85 to determine compliance with UST corrosion protection provisions
A.A.C. R18-12-220(B)	Failure to design or construct an underground portion of a UST system to be protected from corrosion in accordance with an approved method
A.A.C. R18-12-220(C)	Failure to ensure that UST piping which is in contact with the ground is properly designed, constructed, and protected from corrosion in accordance with an approved method
A.A.C. R18-12-220(D)(1)	Failure to use spill prevention equipment that will prevent release of a regulated substance from a UST system to the environment when the transfer hose is detached from the fill pipe
A.A.C. R18-12-220(D)(2)	Failure to use overfill prevention equipment to prevent overfilling associated with transfer of a regulated substance to a UST system
A.A.C. R18-12-220(E)(1)	Failure to install a UST or piping in accordance with the manufacturer's instructions
A.A.C. R18-12-220(E)(2)	Failure to install a UST or piping in accordance with the required performance standards
A.A.C. R18-12-220(H)	Failure to notify ADEQ that a UST system was brought into operation or modified within 30 days of the date the system was brought into operation or modified
A.A.C. R18-12-221(H)	Failure to notify ADEQ that a UST system was upgraded within 30 days of the date the system was upgraded
A.A.C. R18-12-222(A)	Failure to provide ADEQ with required information about a UST system.
A.A.C. R18-12-222(B)	Failure to submit a notification form to ADEQ with the most current and complete information for a UST facility as prescribed by ADEQ

CITATION	DESCRIPTION OF MINOR VIOLATION - UST
A.A.C. R18-12-222(C)	Failure to submit a notification form to ADEQ indicating permanently closure, temporarily closure or a change-in-service
A.A.C. R18-12-222(D)(1)	Failure to certify compliance with the installation of tanks and piping requirements of A.A.C. R18-12-220(E) for a new or upgraded UST system
A.A.C. R18-12-222(D)(2)	Failure to certify compliance with the cathodic protection of steel tanks and piping requirements of A.A.C. R18-12-220(B) and (C), or A.A.C. R18-12-221(B) through (D) for a new or upgraded UST system
A.A.C. R18-12-222(D)(3)	Failure to certify compliance with the spill and overflow protection requirements of A.A.C. R18-12-220(D) or A.A.C. R18-12-221(E) for a new or upgraded UST system
A.A.C. R18-12-222(D)(4)	Failure to certify compliance with the release detection requirements of A.A.C. R18-12-240 through A.A.C. R18-12-245 for a new or upgraded UST system
A.A.C. R18-12-222(D)(5)	Failure to certify compliance with the financial responsibility requirements of A.A.C. R18-12-300 through A.A.C. R18-12-325 for a new or upgraded UST system
A.A.C. R18-12-222(F)(1)	Failure to notify ADEQ within 30 days of a change in operation of a UST system
A.A.C. R18-12-222(F)(2)	Failure to notify ADEQ within 30 days of a replacement or upgrade of any portion of a UST system
A.A.C. R18-12-222(F)(3)	Failure to notify ADEQ within 30 days of a change in leak detection status
A.A.C. R18-12-222(F)(4)	Failure to notify ADEQ within 30 days of a temporary closure / extension of temporary closure of a UST system
A.A.C. R18-12-222(F)(5)	Failure to notify ADEQ within 30 days of a return to service following temporary closure of a UST system
A.A.C. R18-12-222(F)(6)	Failure to notify ADEQ within 30 days of a permanent closure or change-in-service of a UST system
A.A.C. R18-12-222(F)(7)	Failure to notify ADEQ within 30 days of a change in the contents of regulated substances in a UST system
A.A.C. R18-12-222(F)(8)	Failure to notify ADEQ within 30 days of a change in the status of financial responsibility for a UST system
A.A.C. R18-12-222(G)(1)	Failure to submit a completed notification form to the department within 30 days of a change of ownership
A.A.C. R18-12-222(G)(2)	Failure to notify ADEQ in writing of the transfer of ownership by submitting a completed notification form within 30 days
A.A.C. R18-12-230(A)	Failure to ensure that UST releases due to spilling or overfilling do not occur
A.A.C. R18-12-230(B)	Failure to report a spill or overfill associated with a UST system

CITATION	DESCRIPTION OF MINOR VIOLATION - UST
A.A.C. R18-12-231(B)(1)	Failure to test a UST cathodic protection system within 6 months of installation and at least every 3 years thereafter
A.A.C. R18-12-231(C)	Failure to inspect an impressed current cathodic protection system for a UST every 60 days to ensure that the equipment is operating in accordance with its design specifications
A.A.C. R18-12-231(D)	Failure to maintain adequate records of the operation of cathodic protection necessary to demonstrate compliance with the required performance standards
A.A.C. R18-12-232	Failure to use a UST system made of or lined with materials that are compatible with the substance stored
A.A.C. R18-12-233(B)	Failure to tightness test a UST tank or piping in accordance with required specifications within 30 days after the completion of a repair
A.A.C. R18-12-233(D)	Failure to maintain records of all repairs made to the UST system that demonstrate compliance with A.A.C. R18-12-233 for the operational life of the UST
A.A.C. R18-12-234(A)(1)	Failure to report all releases including suspected releases
A.A.C. R18-12-234(A)(2)	Failure to submit report to ADEQ of corrective actions planned or taken, including initial investigation and abatement measures
A.A.C. R18-12-234(A)(3)	Failure to submit information required by A.A.C. R18-12-271 prior to starting permanent closure or change-in-service
A.A.C. R18-12-234(A)(4)	Failure to submit a site assessment report following permanent closure or a change-in-service
A.A.C. R18-12-234(B)(1)	Failure to maintain corrosion expert's analysis of the site corrosion potential when corrosion equipment not used
A.A.C. R18-12-234(B)(2)	Failure to maintain documentation demonstrating the operation of corrosion protection equipment
A.A.C. R18-12-234(B)(3)	Failure to maintain documentation demonstrating the UST system repairs for the operational life of the UST
A.A.C. R18-12-234(C)	Failure to keep required UST records either at the UST site or at a readily available alternative site available for inspection by ADEQ upon request
A.A.C. R18-12-234(C)	Failure to keep required records either at the UST site and immediately available for inspection, or at a readily available alternative site
A.A.C. R18-12-240(A)(2)	Failure to install, calibrate, operate or maintain a UST release detection system in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition
A.A.C. R18-12-240(A)(2)	Failure to provide a method of release detection that is installed, calibrated, operated and maintained in accordance with manufacturer's instructions

CITATION	DESCRIPTION OF MINOR VIOLATION - UST
A.A.C. R18-12-240(A)(3)	Failure to ensure that a UST release detection system meets performance requirements and provide a description of any performance claims and their manner of determination from the equipment manufacturer or installer in writing
A.A.C. R18-12-240(A)(3)	Failure to provide a method of release detection that meets the performance requirements in either A.A.C. R18-12-243 or A.A.C. R18-12-244
A.A.C. R18-12-240(A)(4)	Failure to provide a method of release detection that is capable of detecting the leak rate or quantity specified within the appropriate probability of detection and probability of false alarm
A.A.C. R18-12-240(B)	Failure to notify ADEQ when a method of release detection indicated that a release may have occurred
A.A.C. R18-12-240(D)	Failure to close a UST system for which a method of release detection cannot be applied
A.A.C. R18-12-243(A)(2)	Failure to use equipment capable of measuring the level of the regulated substance over the full range of the tank's vertical dimension to the nearest 1/8 of an inch when using inventory control for release detection
A.A.C. R18-12-243(A)(3)	Failure to reconcile regulated substance inputs with delivery receipts by measurement of the tank inventory before and after delivery when using inventory control for release detection
A.A.C. R18-12-243(A)(4)	Failure to use a drop tube that extends to within 1 foot of the tank bottom for measurements and deliveries of regulated substances when using inventory control for release detection
A.A.C. R18-12-243(A)(6)	Failure to measure the water level in the bottom of the tank to the nearest 1/8 of an inch at least once a month when using inventory control for release detection
A.A.C. R18-12-243(B)(3)	Failure to use equipment that is capable of measuring the level of regulated substances over the full range of the tank's vertical dimension to the nearest 1/8 of an inch when using manual tank gauging for release detection
A.A.C. R18-12-243(C)	Failure to use inventory control or manual tank gauging in conjunction with tank tightness testing for release detection
A.A.C. R18-12-243(C)	Use of a tank tightness test not capable of detecting a 0.1 gallon per hour leak rate accounting for the appropriate effects when using tank tightness testing for release detection
A.A.C. R18-12-243(D)(1)	Failure to perform an automatic regulated substance level monitor test at least monthly when using automatic tank gauging for release detection
A.A.C. R18-12-243(D)(1)	Failure to use a test capable of detecting a 0.2 gallon per hour leak rate from any portion of the UST that regularly contains regulated substances when using automatic tank gauging for release detection
A.A.C. R18-12-243(E)	Failure to conduct monitoring for soil gas vapors from a UST excavation zone at least monthly

CITATION	DESCRIPTION OF MINOR VIOLATION - UST
A.A.C. R18-12-243(E)(2)	Failure to design and construct a leak detection system so that the number and positioning of monitoring wells will detect releases into the excavation zone from any portion of the UST system within 30 days from the date of commencement of a release
A.A.C. R18-12-243(E)(8)	Failure to clearly mark or secure a UST soil gas vapor monitoring well to avoid unauthorized access and tampering
A.A.C. R18-12-243(F)	Failure to conduct UST monitoring for liquids on the groundwater at least monthly
A.A.C. R18-12-243(F)(2)	Failure to design and construct a UST leak detection system so that the number and positioning of monitoring wells will detect releases into the excavation zone from any portion of the UST system
A.A.C. R18-12-243(F)(4)	Failure to ensure that groundwater is never more than 20 feet from the ground surface and the hydraulic conductivity of the material between the UST system and the monitoring wells is not less than 0.01 cm/sec
A.A.C. R18-12-243(F)(9)	Failure to clearly mark or secure a UST groundwater monitoring well to avoid unauthorized access and tampering
A.A.C. R18-12-243(G)	Failure to conduct interstitial monitoring at least monthly
A.A.C. R18-12-243(G)(2)	Failure to design, construct or install interstitial monitoring to detect a leak from a UST system with a secondary barrier within the excavation zone
A.A.C. R18-12-243(G)(3)	Failure to use an automated device able to detect a release between the inner wall of the tank and the liner when using interstitial monitoring for release detection for a UST with an internally fitted liner
A.A.C. R18-12-243(H)(2)	Use of a method for release detection that is not listed in rule or determined by ADEQ to meet applicable requirements
A.A.C. R18-12-244(A)	Use of automatic line leak detection method for release detection for piping that fails to detects leaks of 3 gallons per hour at 10 pounds per square inch line pressure within 1 hour
A.A.C. R18-12-244(A)	Failure to conduct an annual test of the operation of an automatic line leak detection method for piping in accordance with the manufacturer's requirements
A.A.C. R18-12-244(B)	Use of a periodic line tightness test of piping that was not capable of detecting a 0.1 gallon per hour leak rate at 1 2 times the operating pressure when using line tightness testing for release detection
A.A.C. R18-12-244(C)	Use of an approved tank release detection method as a release detection method for piping when the method is not designed to detect a release from any portion of the underground piping that routinely contains regulated substances
A.A.C. R18-12-245(A)	Failure to maintain records demonstrating compliance with all of the applicable requirements of A.A.C. R18-12-240 through A.A.C. R18-12-244

CITATION	DESCRIPTION OF MINOR VIOLATION - UST
A.A.C. R18-12-245(A)(1)	Failure to maintain all written performance claims pertaining to any release detection system by the manufacturer or the installer
A.A.C. R18-12-245(A)(2)	Failure to maintain all calibration, maintenance and repair of release detection equipment located on site
A.A.C. R18-12-245(B)	Failure to maintain schedules of required calibration and maintenance provided by the manufacturer
A.A.C. R18-12-245(C)	Failure to maintain the results of any UST sampling our testing for at least 5 years from the date of receipt
A.A.C. R18-12-270(A)	Failure to notify ADEQ within 30 days of the date that an UST system is temporarily closed
A.A.C. R18-12-270(D)	Failure to notify ADEQ within 30 days after the date that an UST system is brought back into use after temporarily being closed
A.A.C. R18-12-270(E)	Failure to bring a temporarily closed UST system back into service, permanently close the system, or request a extension for temporary closure within 12 months from the date the system went into temporary closure.
A.A.C. R18-12-271(A)	Failure to properly notify ADEQ at least 30 days in advance of permanent closure or change-in-service of a UST system
A.A.C. R18-12-271(C)(1)	Failure to develop documented evidence that the contents of the system are a regulated substance when permanently closing or making a change-in-service to a UST system.
A.A.C. R18-12-271(C)(2)	Failure to drain and flush back into the tank regulated substances from piping and any other ancillary equipment that routinely contains regulated substances when permanently closing or making a change-in-service to a UST system.
A.A.C. R18-12-271(C)(2)	Failure to cap and remove all piping, dispensers, and other ancillary equipment to be closed when permanently closing or making a change-in-service to a UST system.
A.A.C. R18-12-271(C)(3)	Failure to properly empty and clean the UST by removing all liquids and accumulated residues when permanently closing or making a change-in-service to a UST system.
A.A.C. R18-12-271(C)(4)	Failure to remove from the ground or fill completely with inert solid materials all tanks when permanently closing a UST system.
A.A.C. R18-12-271(C)(5)	Failure to notify ADEQ prior performing a site assessment when permanently closing or making a change-in-service to a UST system.
A.A.C. R18-12-301(A) & (D)	Failure to submit evidence demonstrating compliance with Financial Responsibility.
A.A.C. R18-12-303(A) & (H)	Failure to adequately provide Financial Responsibility for taking corrective actions and for addressing 3rd party liability actions.
A.A.C. R18-12-501	Failure to pay annual tank fees of $100 per tank before March 15 each year.

CITATION	DESCRIPTION OF MINOR VIOLATION - UST
A.A.C. R18-12-801	Failure to perform or supervise tank service on a UST by a person certified by the Department.
A.A.C. R18-12-808	Failure to determine if work already completed complies with UST standards, if the Department stopped work because the work was not performed or supervised by a certified tank service provider.
A.A.C. R18-271(D)	Failure to submit a completed closure report to ADEQ within 30 days of permanent closure or change-in-service of a UST system
A.A.C. R18-320(A)(1)	Failure to submit documented evidence of Financial Responsibility with in 30 days after identifying a UST release.
A.A.C. R18-320(A)(2)	Failure to obtain alternative coverage with in 30 days after receiving notice of voluntary / involuntary bankruptcy (Title 11); or notice of suspension or revocation of the authority for the Financial Responsibility (FR) provider to issue a FR mechanism.

APPENDIX L15

VEHICLE EMISSION INSPECTION (VEI) MAJOR VIOLATIONS

CITATION	DESCRIPTION OF MAJOR VIOLATION - VEI
A.A.C. R18-2-1027(B)	Failure to calibrate a registered analyzer at least monthly.
A.A.C. R18-2-1027(B)	Failure to calibrate a registered opacity meter in accordance with the manufacturer's specifications before performing the first vehicle emissions inspection in a month.
A.R.S. § 49-542(D)	Delivery of a non-exempt used motor vehicle that did not pass the required emissions inspection to a retail purchaser.
A.R.S. § 49-542(F)(5) A.A.C. R18-2-1019(E)	Failure to inspect a vehicle that is owned and operated by the United States, Arizona or a political subdivision of Arizona.
A.R.S. § 49-546(B)	Issuance of a certificate of inspection to a vehicle that did not comply with the applicable regulations.
A.R.S. § 49-549(A)	Making, or issuance of, an imitation or counterfeit certificate of inspection.
A.R.S. § 49-549(B)	Issuance a certificate of inspection without performing the required vehicle emissions inspection.
A.R.S. § 49-549(B)	Making or issuance of an imitation or counterfeit certificate of inspection.

APPENDIX L16

VEHICLE EMISSION INSPECTION (VEI) MINOR VIOLATIONS

CITATION	DESCRIPTION OF MINOR VIOLATION - VEI
A.A.C. R18-2-1016(E)	Issuance of a certificate of inspection by a person whose inspector license has expired.
A.A.C. R18-2-1019(F)(1)(a)	Failure to issue certificates of inspection in numerical order.
A.A.C. R18-2-1019(F)(1)(e)	Failure to forward to ADEQ the second copy of a completed certificate of inspection along with the "Fleet Vehicle Inspection Report/Monthly Summary" no later than two weeks after the last day of the month in which the inspection was conducted.
A.A.C. R18-2-1019(F)(1)(f)	Failure to retain the third copy of a completed certificate of inspection along with the original "Fleet Vehicle Inspection Report/Monthly Summary" for two years after the date of the inspection.
A.A.C. R18-2-1019(F)(2)	Failure to record all applicable emissions inspection information on the "Fleet Vehicle Inspection Report/Monthly Summary" at the time of inspection.
A.A.C. R18-2-1019(G)(1)	Failure to prominently display a fleet emissions inspection station permit or a license of an inspector employed by the fleet emissions inspection station.
A.A.C. R18-2-1019(G)(6)	Operation of a fleet emissions inspection station while not meeting the requirements of operation.
A.R.S. § 49-542.03(B)	Failure to provide a used motor vehicle purchaser with written notice of their right to obtain a transient loaded emissions inspection after the sale.
A.R.S. § 49-543(E)	Validation of a certificate of inspection at a time other than when the vehicle was inspected or passed inspection.
A.R.S. § 49-546(B)	Transfer of a certificate of inspection to someone other than an auctioneer whose who intends to sell the vehicle and is licensed as a used motor vehicle dealer.
A.R.S. § 49-546(C)	Certification of a vehicle by a fleet inspection station permittee for which the permittee is not the registered owner or lessee.
A.R.S. § 49-548(B)	Issuance of a certificate of inspection to a vehicle without a valid fleet emissions inspection station permit.
A.R.S. § 49-548(B)	Failure to account for a certificate of inspection.
A.R.S. § 49-552	Failure of a city, town or county school district or special district to prohibit the parking of vehicles which fail to comply with Arizona's emissions inspection program in an employee parking lot.

APPENDIX L17

WATER POLLUTION CONTROL MAJOR VIOLATIONS

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.A.C. R18-11-108(A)(1)	Violation of the narrative water quality standard that requires a surface water to be free from pollutants in amounts or combinations that settle to form bottom deposits that inhibit or prohibit the habitation, growth, or propagation of aquatic life or that impair recreational uses
A.A.C. R18-11-108(A)(2)	Violation of the narrative water quality standard that requires a surface water to be free from pollutants in amounts or combinations that cause objectionable odor
A.A.C. R18-11-108(A)(3)	Violation of the narrative water quality standard that requires a surface water to be free from pollutants in amounts or combinations that cause off-taste or odor in drinking water
A.A.C. R18-11-108(A)(4)	Violation of the narrative water quality standard that requires a surface water to be free from pollutants in amounts or combinations that cause off-flavor in aquatic organisms or waterfowl
A.A.C. R18-11-108(A)(5)	Violation of the narrative water quality standard that requires a surface water to be free from pollutants in amounts or combinations that are toxic to humans, animals, plants or other organisms
A.A.C. R18-11-108(A)(6)	Violation of the narrative water quality standard that requires a surface water to be free from pollutants in amounts or combinations that cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth, or propagation of other aquatic life or that impair recreational uses
A.A.C. R18-11-108(A)(7)	Violation of the narrative water quality standard that requires a surface water to be free from pollutants in amounts or combinations that cause or contribute to a violation of an aquifer water quality standard
A.A.C. R18-11-108(A)(8)	Violation of the narrative water quality standard that requires a surface water to be free from pollutants in amounts or combinations that change the color of the surface water from natural background levels of color
A.A.C. R18-11-108(B)	Violation of the narrative water quality standard that requires a surface water to be free from oil, grease, or other pollutants that float as debris, foam or scum
A.A.C. R18-11-108(B)	Violation of the narrative water quality standard that requires a surface water to be free from oil, grease, or other pollutants that cause a film or iridescent appearance on the surface of the water
A.A.C. R18-11-108(B)	Violation of the narrative water quality standard that requires a surface water to be free from oil, grease, or other pollutants that cause a deposit on a shoreline, bank, or aquatic vegetation
A.A.C. R18-11-108(C)	Violation of the narrative water quality standard that prohibits a discharge of suspended solids to a surface water in quantities or concentrations that either interfere with the treatment processes at the nearest downstream potable water treatment plant or substantially increase the cost of handling solids produced at the nearest downstream potable water treatment plant

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.A.C. R18-11-109(A)	Violation of the numeric surface water quality standard for E. coli
A.A.C. R18-11-109(B)	Violation of the numeric surface water quality standard for pH
A.A.C. R18-11-109(C)	Violation of the numeric surface water quality standard for maximum allowable increase in ambient water temperature
A.A.C. R18-11-109(D)	Violation of the numeric surface water quality standard for suspended sediment concentration
A.A.C. R18-11-109(E)	Violation of the numeric surface water quality standard for dissolved oxygen
A.A.C. R18-11-109(F)	Violation of the numeric surface water quality standard for total phosphorus
A.A.C. R18-11-109(G)(1)	Violation of the numeric surface water quality standard for gross alpha particle activity in a surface water with a domestic water source designated use
A.A.C. R18-11-109(G)(2)	Violation of the numeric surface water quality standard for combined radium-226 and radium-228 in a surface water with a domestic water source designated use
A.A.C. R18-11-109(G)(3)	Violation of the numeric surface water quality standard for strontium-90 in a surface water with a domestic water source designated use
A.A.C. R18-11-109(G)(4)	Violation of the numeric surface water quality standard for tritium in a surface water with a domestic water source designated use
A.A.C. R18-11-109(G)(5)	Violation of the numeric surface water quality standard for beta particle activity and photon emitters from manmade radionuclides in a surface water with a domestic water source designated use
A.A.C. R18-11-109(H)	Violation of the numeric surface water quality standard for total phosphorus
A.A.C. R18-11-109(I)	Violation of the numeric surface water quality standard for radiochemicals
A.A.C. R18-11-110(A)	Violation of the numeric surface water quality standard for total dissolved solids in the Colorado River
A.A.C. R18-11-112(H)(1)	Violation of a supplemental numeric surface water quality standard for the West Fork of the Little Colorado River, above Government Springs
A.A.C. R18-11-112(H)(2)	Violation of a supplemental numeric surface water quality standard for Oak Creek
A.A.C. R18-11-112(H)(3)	Violation of a supplemental numeric surface water quality standard for Peeples Canyon Creek, tributary to the Santa Maria River
A.A.C. R18-11-112(H)(4)	Violation of a supplemental numeric surface water quality standard for Burro Creek, above its confluence with Boulder Creek
A.A.C. R18-11-112(H)(5)	Violation of a supplemental numeric surface water quality standard for Francis Creek, in Mohave and Yavapai counties
A.A.C. R18-11-123(A)	Discharge of treated wastewater to Sabino Creek
A.A.C. R18-11-123(B)	Discharge of human body wastes or the wastes form toilets or other receptacles intended to receive or retain those wastes on a vessel to Lake Powell

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.A.C. R18-11-405(A)	Violation of the narrative aquifer water quality standard that prohibits a discharge from causing a pollutant to be present in an aquifer at a concentration which endangers human health
A.A.C. R18-11-405(B)	Violation of the narrative aquifer water quality standard that prohibits a discharge from causing or contributing to a violation of a surface water quality standard
A.A.C. R18-11-405(C)	Violation of the narrative aquifer water quality standard that prohibits a discharge from causing a pollutant to be present in an aquifer which impairs existing or reasonably foreseeable uses of water in the aquifer
A.A.C. R18-11-406(B)	Violation of a numeric aquifer water quality standard for an inorganic chemical
A.A.C. R18-11-406(C)	Violation of a numeric aquifer water quality standard for an organic chemical
A.A.C. R18-11-406(D)	Violation of a numeric aquifer water quality standard for a pesticide or polychlorinated biphenyl (PCB)
A.A.C. R18-11-406(E)(1)	Violation of the numeric aquifer water quality standard of 15 pCi/l for gross alpha particle activity
A.A.C. R18-11-406(E)(2)	Violation of the numeric aquifer water quality standard of 5 pCi/l for combined Radium-226 and Radium-228
A.A.C. R18-11-406(E)(3)	Violation of the numeric aquifer water quality standard of 4 millirem/year for beta particle and photon radioactivity from man-made radionuclides
A.A.C. R18-11-406(F)	Violation of the numeric aquifer water quality standard for total coliform
A.A.C. R18-11-406(G)(1)	Violation of the monthly numeric aquifer water quality standard for turbidity of 1 NTU
A.A.C. R18-11-406(G)(2)	Violation of the two consecutive day numeric aquifer water quality standard for turbidity of 5 NTUs
A.A.C. R18-9-104(B)	Failure to submit an application for an Aquifer Protection Permit or a closure plan within 90 days from the date of ADEQ's notification
A.A.C. R18-9-402(4)	Failure to manage or time application of irrigation water to minimize nitrogen loss by leaching and runoff
A.A.C. R18-9-403(1)	Failure to harvest, stockpile, or dispose of animal manure from a concentrated animal feeding operation to minimize discharge of any nitrogen pollutant by leaching and runoff
A.A.C. R18-9-403(2)	Failure to control or dispose of nitrogen contaminated water resulting from an activity associated with a concentrated animal feeding operation, up to a 25-year, 24-hour storm event equivalent, to minimize the discharge of a nitrogen pollutant
A.A.C. R18-9-403(3)	Failure to close a concentrated animal feeding operation facility in a manner that will minimize the discharge of a nitrogen pollutant

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-A206(B)(1)	Failure to make a complete monitoring record for each sample taken as required by an individual aquifer protection permit
A.A.C. R18-9-A206(B)(2)	Failure to make a complete monitoring record for each measurement made as required by an individual aquifer protection permit
A.A.C. R18-9-A207(A)	Failure to notify ADEQ within five days after becoming aware of a violation of an aquifer protection permit condition or that an alert level has been exceeded
A.A.C. R18-9-A207(A)	Failure to inform ADEQ whether a contingency plan has been implemented for an aquifer protection permit
A.A.C. R18-9-A207(B)	Failure to submit a complete written report to ADEQ within 30 days after becoming aware of a violation of an aquifer protection permit condition.
A.A.C. R18-9-A207(C)(2)	Failure to notify ADEQ within five days after the occurrence of the entry of any order or judgment for the enforcement of an environmental protection statute or rule
A.A.C. R18-9-A208(A)	Failure to follow a compliance schedule established in an individual aquifer protection permit
A.A.C. R18-9-A209(A)(2)	Failure to implement a measure specified in an individual aquifer protection permit for temporary cessation
A.A.C. R18-9-A209(B)(2)(b)	Failure to submit a post closure plan
A.A.C. R18-9-A209(B)(2)(b)	Failure to submit an application for an individual aquifer protection permit, or a request to modify a current individual aquifer protection permit to address closure activities and post-closure monitoring and maintenance at a facility
A.A.C. R18-9-A212(B)(3)	Failure to demonstrate the technical or financial capability necessary to fully carry out the terms of a transferred aquifer protection permit.
A.A.C. R18-9-A212(C)	Failure to comply with terms of an aquifer protection permit regardless of whether the permittee has sold or disposed of the facility until ADEQ has transferred the permit
A.A.C. R18-9-A301(D)(1)(f)(ii)	Continued construction or discharge after expiration of a Notice of Intent to Discharge
A.A.C. R18-9-A304(B)	Failure to submit a new Notice of Intent to Discharge and to obtain new verifications upon request by ADEQ
A.A.C. R18-9-A305(A)(1)	Failure to provide ADEQ with an updated Notice of Intent to Discharge before expansion
A.A.C. R18-9-A305(A)(B)	Failure to obtain verification from ADEQ prior to expanding a facility
A.A.C. R18-9-A306(A)	Failure to submit a closure plan
A.A.C. R18-9-A307(C)	Discharge after ADEQ has revoked an aquifer protection permit
A.A.C. R18-9-A309(A)(1)	Discharge of sewage or wastewater from an on-site wastewater treatment facility without an aquifer protection permit

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-A309(A)(2)	Installation, allowance of installation, or maintenance of a connection between any part of an on-site wastewater treatment facility and a drinking water system or supply so that sewage or wastewater has contaminated drinking water
A.A.C. R18-9-A309(A)(3)	Bypassing untreated sewage from an on-site wastewater treatment facility
A.A.C. R18-9-A309(A)(4)	Use of a cesspool for sewage disposal.
A.A.C. R18-9-A309(A)(6)	Installation of an on-site wastewater treatment facility when the installation creates an unsanitary condition or environmental nuisance or causes or contributes to a violation of an Aquifer Water Quality Standard
A.A.C. R18-9-A309(A)(7)	Failure to service or repair an operating on-site wastewater treatment facility, or install a replacement facility when the facility has created or when its use has created an unsanitary condition or environmental nuisance or has caused or causes a violation of an Aquifer Water Quality Standard.
A.A.C. R18-9-A309(A)(8)(a)	Failure to operate an on-site wastewater treatment facility so that flows to the facility consist of typical sewage and do not include any motor oil, gasoline, paint, varnish, solvent, pesticide, fertilizer, or other material not generally associated with toilet flushing, food preparation, laundry, and personal hygiene.
A.A.C. R18-9-A309(A)(8)(b)	Failure to operate an on-site wastewater treatment facility so that flows to the facility from commercial operations do not contain hazardous substances or hazardous wastes
A.A.C. R18-9-A309(A)(8)(c)	Failure to operate an on-site wastewater treatment facility so that a typical sewage flow with a component of flow from nonresidential food preparation or laundry service is adequately pretreated.
A.A.C. R18-9-A309(A)(8)(d)	Failure to operate an on-site wastewater treatment facility so that a sewage flow that does not meet the numerical levels for typical sewage is adequately pretreated to meet the numerical levels before entry into an on-site wastewater treatment facility
A.A.C. R18-9-A309(A)(8)(e)	Failure to operate an on-site wastewater treatment facility so that the flow to the facility does not exceed the design flow specified in the Verification of General Permit Conformance.
A.A.C. R18-9-A309(D)(1)	Failure to remove all sewage from a closed or abandoned on-site wastewater treatment facility and dispose of the sewage in a lawful manner
A.A.C. R18-9-A313(A)(1)	Failure to install a facility as described in design documents submitted with the Notice of Intent to Discharge.
A.A.C. R18-9-A313(B)(10)	Failure to inspect and monitor inspection and access ports, as applicable, to verify that operation is within expected limits
A.A.C. R18-9-A316(A)	Performing a transfer inspection for an on-site wastewater treatment facility without working knowledge of the facility.

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-B201(D)	Installation or maintenance of a connection between part of a sewage treatment facility and a potable water supply so that sewage or wastewater contaminated a potable or public water supply
A.A.C. R18-9-B201(E)	Bypass of untreated sewage from a sewage treatment facility
A.A.C. R18-9-B201(I)	Failure to provide adequate setbacks from the nearest adjacent property line
A.A.C. R18-9-B301(A) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.01 General Permit requirement to employ only physical processes for the discharge of wash water from a sand and gravel operation, placer mining operation, or other similar activity.
A.A.C. R18-9-B301(A) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.01 General Permit requirement prohibiting the presence of non-naturally occurring hazardous material in the discharge of wash water from a sand and gravel operation, placer mining operation, or other similar activity
A.A.C. R18-9-B301(B)(1) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.02 General Permit requirement that a discharge from a hydrostatic test of a drinking water distribution system not violate an Aquifer Water Quality Standard
A.A.C. R18-9-B301(B)(2) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.02 General Permit requirement that a discharge from a hydrostatic test of a drinking water distribution system not be to a waters of the United States, unless done so under an National Pollutant Discharge Elimination System permit
A.A.C. R18-9-B301(D) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.04 General Permit requirement that a discharge covered by the general permit be to the same aquifer in approximately the same location from which the water supply was originally withdrawn, or permitted under a NPDES permit.
A.A.C. R18-9-B301(E) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.05 General Permit requirement that a discharge covered by the general permit be less than 1000 gallons per day.
A.A.C. R18-9-B301(F) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.06 General Permit requirement that the burial of mining industry off-road motor vehicle waste tires at a mine site be consistent with cover requirements.
A.A.C. R18-9-B301(G)(1) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.07 General Permit requirement that docks servicing watercraft equipped with toilets provide sanitary facilities at dockside for the disposal of sewage from watercraft toilets
A.A.C. R18-9-B301(G)(1) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.07 General Permit requirement that no wastewater from sinks, showers, laundries, baths, or other plumbing fixtures at a dockside facility be discharged into waters of the state
A.A.C. R18-9-B301(G)(3) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.07 General Permit requirement that no watercraft be equipped with a marine toilet constructed or operated to discharge sewage into waters of the state

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-B301(G)(3) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.07 General Permit requirement that no container of sewage be placed, left, discharged or caused to be placed, left, or discharged in or near any water of the state by a person
A.A.C. R18-9-B301(G)(4) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.07 General Permit requirement that a watercraft equipped with a marine toilet constructed to allow discharge of sewage directly into waters of the state be locked and sealed to prevent usage
A.A.C. R18-9-B301(G)(4) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.07 General Permit requirement that dockside disposal facilities be available when a chemical or other marine toilet with an approved storage container is used
A.A.C. R18-9-B301(G)(5) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.07 General Permit requirement that no bilge water or wastewater from sinks, showers, laundries, baths, or other plumbing fixtures on a watercraft be discharged into waters of the state.
A.A.C. R18-9-B301(H) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.08 General Permit requirement that an earth privy be authorized by a county health or environmental department.
A.A.C. R18-9-B301(I)(1) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.09 General Permit requirement that a sewage treatment facility with flows less than 20,000 gallons per day and operating under a general permit before January 1, 2001, not cause or contribute to a violation of a water quality standard
A.A.C. R18-9-B301(I)(2) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.09 General Permit requirement that a sewage treatment facility with flows less than 20,000 gallons per day and operating under a general permit before January 1, 2001, not be expanded to accommodate increased flows
A.A.C. R18-9-B301(I)(3) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.09 General Permit requirement that a sewage treatment facility with flows less than 20,000 gallons per day and operating under a general permit before January 1, 2001, treat only flows that are typical of sewage
A.A.C. R18-9-B301(I)(4) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.09 General Permit requirement that a sewage treatment facility with flows less than 20,000 gallons per day and operating under a general permit before January 1, 2001, not treat flows from commercial operations using hazardous substances or creating hazardous waste
A.A.C. R18-9-B301(I)(5) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.09 General Permit requirement that a sewage treatment facility with flows less than 20,000 gallons per day and operating under a general permit before January 1, 2001, not create an environmental nuisance condition
A.A.C. R18-9-C301(C)(1)	Location of a drywell that drains an area where hazardous substances are used, stored, loaded or treated, closer than 100 feet from a water supply well

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-C301(C)(1)	Location of a drywell that drains an area where hazardous substances are used, stored, loaded or treated, closer than 20 feet from an underground storage tank
A.A.C. R18-9-C301(C)(3)	Failure to locate the bottom of a drywell that drains an area where hazardous substances are used, stored, loaded or treated, at least 10 feet above the groundwater table
A.A.C. R18-9-C301(C)(3)	Failure to seal off a zone of perched water above the groundwater table from a drywell that drains an area where hazardous substances are used, stored, loaded or treated
A.A.C. R18-9-C301(C)(4)	Failure to ensure that a drywell that drains an area where hazardous substances are used, stored, loaded or treated, includes a flow control or pretreatment device designed to remove, intercept, or collect pollutants
A.A.C. R18-9-C301(D)(1)	Failure to operate a drywell that drains an area where hazardous substances are used, stored, loaded or treated, only for the disposal of storm water
A.A.C. R18-9-C301(D)(2)	Failure to implement a Best Management Practices Plan for operation of a drywell that drains an area where hazardous substances are used, stored, loaded or treated.
A.A.C. R18-9-C301(F)	Failure to notify ADEQ within 24 hours of a spill of hazardous substances into a drywell that drains an area where hazardous substances are used, stored, loaded or treated
A.A.C. R18-9-C301(F)	Failure to notify ADEQ within 24 hours of a spill of petroleum product exceeding 25 gallons into a drywell that drains an area where hazardous substances are used, stored, loaded or treated,
A.A.C. R18-9-C302(C)(5)	Addition of a hazardous substance to stockpiled material at a mining site
A.A.C. R18-9-C303(C)(1)	Failure to ensure that injection into a well inside the capture zone of an established passive containment system does not exceed the total depth of the influence of the hydrologic sink
A.A.C. R18-9-C303(C)(2)	Failure to ensure that injection into a well outside the capture zone of an established passive containment system does not exceed rock fracture pressures during injection of a tracer
A.A.C. R18-9-C303(C)(3)	Addition of a tracer substance to a well that is not compatible with its construction.
A.A.C. R18-9-C303(C)(4)	Failure to ensure that a tracer is compatible with the construction materials at the impoundment when a tracer is placed or collected in an existing impoundment
A.A.C. R18-9-C303(C)(5)	Failure to monitor all wells hydraulically downgradient of a test site for the tracer for at least two years on a quarterly basis when a tracer is used outside the capture zone of an established passive containment system and less than 85% of the tracer was recovered
A.A.C. R18-9-D301(A)(1)	Failure to ensure that inflow to a lined surface impoundment or lined secondary containment structure contains no organic pollutants.

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D301(D)(3)	Failure to conduct an inspection within 72 hours after a facility receives a significant volume of storm water inflow
A.A.C. R18-9-D301(D)(4)	Failure to repair damage to a liner in accordance with a Quality Assurance/Quality Control Plan
A.A.C. R18-9-D301(E)(2)	Failure to maintain a log book or similar documentation associated with an impoundment to record inspection results, repair and maintenance activities, monitoring results, and facility closure for 10 years
A.A.C. R18-9-D301(E)(2)	Failure to make a log book or similar documentation associated with an impoundment to record inspection results, repair and maintenance activities, monitoring results, and facility closure available to ADEQ upon request.
A.A.C. R18-9-D301(F)(1)	Failure to submit a report to ADEQ within five days of discovering an impoundment liner breach as evidenced by a drop in water level not attributable to evaporation
A.A.C. R18-9-D301(F)(1)	Failure to implement the contingency plan after discovering an impoundment liner breach as evidenced by a drop in water level not attributable to evaporation.
A.A.C. R18-9-D301(F)(1)	Failure to submit a report to ADEQ within five days of discovering an impoundment breach
A.A.C. R18-9-D301(F)(1)	Failure to implement the contingency plan after discovering an impoundment breach
A.A.C. R18-9-D301(F)(1)	Failure to submit a report to ADEQ within five days of discovering an overtopping of an impoundment
A.A.C. R18-9-D301(F)(1)	Failure to implement a contingency plan after discovering an overtopping of an impoundment.
A.A.C. R18-9-D301(F)(1)	Failure to submit a final report to ADEQ within 60 days of discovering an impoundment liner breach summarizing the circumstances of the problem and corrective actions taken.
A.A.C. R18-9-D301(F)(2)	Failure to submit a report to ADEQ within five days of discovering an unauthorized flow into an impoundment to ADEQ within five days of discovery
A.A.C. R18-9-D301(F)(2)	Failure to implement a contingency plan after discovering an unauthorized flow into an impoundment.
A.A.C. R18-9-D301(G)(3)	Failure to remove a liner in an area of suspected leakage and sample potentially impacted soil within 90 days following a closure notification for a surface impoundment
A.A.C. R18-9-D301(G)(3)	Failure to notify ADEQ and submit an action plan for ADEQ§s approval within 60 days of discovering the exceedance of soil remediation levels after removing a surface impoundment liner

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D302(A)(1)	Failure to meet all numeric Aquifer Water Quality Standards for inorganic chemicals, organic chemicals, and pesticides in filtration backwash or a discharge obtained from sedimentation and coagulation in a water treatment process from a facility that treats water for industrial process or potable uses
A.A.C. R18-9-D302(A)(2)	Failure to meet applicable criteria for microbiological contaminants in filtration backwash or a discharge obtained from sedimentation and coagulation in a water treatment process from a facility that treats water for industrial process or potable uses
A.A.C. R18-9-D302(D)(1)(a)	Failure to monitor a filtration backwash discharge annually to determine compliance with the limits for inorganic chemicals, organic chemicals, and pesticide.
A.A.C. R18-9-D302(D)(1)(c)	Failure to submit an application for an individual aquifer protection permit when the concentration of a pollutant exceeded the numeric limit for an inorganic chemical, organic chemical, or pesticide in a filtration backwash discharge for three quarters.
A.A.C. R18-9-D302(D)(2)(a)	Failure to monitor a filtration backwash discharge annually to determine compliance with microbiological limits
A.A.C. R18-9-D302(D)(2)(c)	Failure to submit an application for an individual aquifer protection permit when the concentration of a pollutant exceeded the numeric limit for a microbiological contaminant in a filtration backwash discharge for four months
A.A.C. R18-9-D302(E)(2)	Failure to maintain a log book or similar documentation associated with process water discharges from a water treatment facility to record inspection results, repair and maintenance activities, monitoring results, and facility closure for 10 years.
A.A.C. R18-9-D302(E)(2)	Failure to make a log book or similar documentation associated with process water discharges from a water treatment facility to record inspection results, repair and maintenance activities, monitoring results, and facility closure available to ADEQ upon request.
A.A.C. R18-9-D302(E)(3)	Failure to make water quality data associated with process water discharges from a water treatment facility available to ADEQ upon request.
A.A.C. R18-9-D302(E)(5)	Failure to make records of an unpermitted discharge associated with process water discharges from a water treatment facility available to ADEQ upon request.
A.A.C. R18-9-D303(D)(7)	Use of products that contain chemicals in concentrations likely to cause a violation of an Aquifer Water Quality Standard in vehicle or equipment wash operations
A.A.C. R18-9-D303(E)(1)	Failure to use a Department of Health Services certified method when monitoring vehicle or equipment wash water discharged to an unlined surface impoundment or other area for subsurface disposal.

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D303(E)(3)	Failure to submit an application for an individual aquifer protection permit when the pH of vehicle or equipment wash water discharged to an unlined surface impoundment or other area for subsurface disposal was not between 6.0 and 9.0 for four months
A.A.C. R18-9-D303(E)(3)	Failure to submit an application for an individual aquifer protection permit when the concentration of C10 through C32 hydrocarbons in vehicle or equipment wash water discharged to an unlined surface impoundment or other area for subsurface disposal exceeded 50 mg/l four months
A.A.C. R18-9-D303(F)(3)	Failure to maintain Material Safety Data Sheets for the chemicals used in vehicle or equipment wash operations for 10 years.
A.A.C. R18-9-D303(F)(3)	Failure to make a required monitoring result associated with the surface impoundments for a vehicle or equipment wash facility available to ADEQ upon request
A.A.C. R18-9-D303(G)	Failure to notify ADEQ and submit an action plan for ADEQ§s approval within 60 days when soil remediation levels have been exceeded at a vehicle or equipment wash facility.
A.A.C. R18-9-D304(C)(6)	Failure to manage a non-storm water impoundment at a mining site so groundwater does not come into contact with the liner
A.A.C. R18-9-D304(D)(1)	Failure to maintain adequate freeboard in a non-storm water impoundment at a mining site through design, pumping, or both
A.A.C. R18-9-D304(D)(3)	Failure to inspect a non-storm water impoundment at a mining site after the facility receives significant volumes of storm water inflow
A.A.C. R18-9-D304(D)(4)	Failure to repair a crack, tear, or perforation as soon as practical, but no later than 60 days under normal operating conditions, after discovery of the crack, tear, or perforation in a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(E)(1)	Failure to make construction or as-built drawings for a non-storm water impoundment at a mining site available to ADEQ upon request.
A.A.C. R18-9-D304(E)(2)	Failure to make a log book or similar documentation for a non-storm water impoundment at a mining site to record inspection results, repair and maintenance activities, monitoring results, and facility closure available to ADEQ upon request.
A.A.C. R18-9-D304(E)(6)	Failure to maintain records of an unauthorized inflow into a non-storm water impoundment at a mining site for 10 years.
A.A.C. R18-9-D304(E)(6)	Failure to make records of an unauthorized inflow into a non-storm water impoundment at a mining site available to ADEQ upon request.
A.A.C. R18-9-D304(F)(1)	Failure to implement the contingency plan after discovering an overtopping of a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(F)(1)	Failure to implement the contingency plan after discovering a liner breach in a non-storm water impoundment at a mining site as evidenced by a drop in water level not attributable to evaporation.

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D304(F)(1)	Failure to implement the contingency plan after discovering an overtopping of a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(F)(2)	Failure to submit a report to ADEQ within five days of discovering an unauthorized flow into a non-storm water impoundment at a mining site within five days of discovery
A.A.C. R18-9-D304(F)(2)	Failure to implement the contingency plan after discovering an unauthorized flow into a non-storm water impoundment at a mining site
A.A.C. R18-9-D305(D)(3)	Failure to correct a problem noted during a quarterly inspection of a disposal wetland.
A.A.C. R18-9-D305(E)(2)	Failure to maintain a log book or similar documentation for a disposal wetland to record inspection results, repair and maintenance activities, monitoring results, and facility closure for 10 years.
A.A.C. R18-9-D305(E)(2)	Failure to make a log book or similar documentation for a disposal wetland to record inspection results, repair and maintenance activities, monitoring results, and facility closure available to ADEQ upon request.
A.A.C. R18-9-D306(D)(1)	Failure to monitor water leaving a wetlands to treat acid rock drainage at least quarterly
A.A.C. R18-9-D306(D)(3)	Failure to perform quarterly inspections to review the bank and liner integrity, erosion evidence, and the condition of signage and vegetation for a wetland to treat acid rock drainage
A.A.C. R18-9-D306(E)(2)	Failure to maintain a log book or similar documentation for a wetland to treat acid rock drainage to record inspection results, repair and maintenance activities, monitoring results, and facility closure for 10 years
A.A.C. R18-9-D306(E)(2)	Failure to make a log book or similar documentation for a wetland to treat acid rock drainage to record inspection results, repair and maintenance activities, monitoring results, and facility closure available to ADEQ upon request.
A.A.C. R18-9-D306(F)(2)	Failure to implement a contingency plan when final laboratory result confirm that the quality of the water leaving the wetlands to treat acid rock drainage does not meet the applicable standards
A.A.C. R18-9-D307(D)(3)	Failure to follow the prescribed measures as required in a contingency plan within five days when verification sampling demonstrates that an alert level or discharge limit has been exceeded at a tertiary treatment wetland
A.A.C. R18-9-D307(D)(3)	Failure to report to ADEQ within five days when verification sampling has demonstrated that an alert level or discharge limit was exceeded at a tertiary treatment wetland
A.A.C. R18-9-D307(D)(5)	Failure to ensure that a tertiary treatment wetland is operated by a certified operator.
A.A.C. R18-9-D307(E)(2)	Failure to make a log book or similar documentation for a tertiary treatment wetland to record inspection results, repair and maintenance activities, monitoring results, and facility closure available to ADEQ upon request.

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E301(B)(1)	Failure to provide adequate wastewater flow capacity in a sewage collection system
A.A.C. R18-9-E301(B)(3)	Failure to prevent sanitary sewer overflows through appropriate sizing, capacities, and inflow and infiltration prevention measures throughout a sewage collection system
A.A.C. R18-9-E301(B)(4)	Failure to protect water quality through minimization of exfiltration losses from a sewage collection system
A.A.C. R18-9-E301(B)(6)	Failure to maintain structural integrity in a sewage collection system
A.A.C. R18-9-E303(C)(1)	Failure to prevent the discharge of blackwater to the native soil from a composting toilet system
A.A.C. R18-9-E307(H)(2)	Failure to protect an evapotranspiration bed from vehicle loads or other damaging activities
A.A.C. R18-9-E308(F)(1)	Failure to make adequate considerations when an existing Wisconsin mound system shows evidence of overload or hydraulic failure
A.A.C. R18-9-E308(F)(2)	Failure to submit a new Notice of Intent to Discharge when a Wisconsin mound needs to be expanded in size
A.A.C. R18-9-E309(F)	Failure to inspect a backfill cover for physical damage or erosion for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(1)	Failure to inspect and clean pretreatment or wastewater distribution components for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(10)	Failure to inspect and monitor inspection and access ports, as applicable, to verify that operation is within expected limits for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(3)	Failure to inspect and clean the effluent baffle screen and pump tank for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(6)	Failure to inspect, remove and replace, if necessary, and properly dispose of filter media for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(8)	Failure to inspect and clean pump inlets and controls for an engineered pad system
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(1)	Failure to inspect and clean pretreatment or wastewater distribution components for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(10)	Failure to inspect and monitor inspection and access ports, as applicable, to verify that operation is within expected limits for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(3)	Failure to inspect and clean the effluent baffle screen and pump tank for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(6)	Failure to inspect, remove and replace, if necessary, and properly dispose of filter media for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(8)	Failure to inspect and clean pump inlets and controls for an intermittent sand filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(1)	Failure to inspect and clean pretreatment or wastewater distribution components for a peat filter

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(3)	Failure to inspect and clean the effluent baffle screen and pump tank for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(6)	Failure to inspect, remove and replace, if necessary, and properly dispose of filter media for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(8)	Failure to inspect and clean pump inlets and controls for a peat filter
A.A.C. R18-9-E312(F)	Flushing of corrosives or other materials known to damage textile material into a drain that transmits wastewater to the on-site wastewater treatment facility
A.A.C. R18-9-E314(B)	Allowing a discharge from a sewage vault to the native soil or the land surface
A.A.C. R18-9-E314(B)	Failure to dispose of sewage vault contents at a sewage treatment facility or other sewage disposal mechanism allowed by law
A.A.C. R18-9-E316(C)(1)	Failure to ensure that treated wastewater from an aerobic system with surface disposal complies with an applicable National Pollution Discharge Elimination System permit limit
A.A.C. R18-9-E316(C)(2)	Failure to prevent the discharge of inadequately treated wastewater from an aerobic system with surface disposal to the environment by means of a fail-safe mechanism included in the system design
A.A.C. R18-9-E316(C)(3)	Off-site runoff of wastewater from an aerobic system with surface disposal due to a failure to use a sprinkler, bubbler heads, or other components that provide dispersal to optimize wastewater loading rates and prevent ponding on the land surface
A.A.C. R18-9-E322(F)	Failure to test the fail-safe mechanism quarterly to prevent discharge of inadequately treated wastewater from a subsurface drip irrigation disposal system
A.R.S. § 49-241(A)	Discharge without an aquifer protection permit.
A.R.S. § 49-241(B)(1)	Operation of a surface impoundment without an aquifer protection permit
A.R.S. § 49-241(B)(10)	Operation of a sewage treatment facility without an aquifer protection permit
A.R.S. § 49-241(B)(11)	Operation of a wetlands designed and constructed to treat municipal or domestic wastewater for underground storage without an aquifer protection permit
A.R.S. § 49-241(B)(2)	Operation of a solid waste disposal facility without an aquifer protection permit
A.R.S. § 49-241(B)(3)	Operation of an injection well without an aquifer protection permit
A.R.S. § 49-241(B)(4)	Operation of a land treatment facility without an aquifer protection permit
A.R.S. § 49-241(B)(5)	Operation of a facility which adds a pollutant to a salt dome formation without an aquifer protection permit
A.R.S. § 49-241(B)(5)	Operation of a facility which adds a pollutant to a salt bed formation without an aquifer protection permit

CITATION	DESCRIPTION OF MAJOR VIOLATION - WATER POLLUTION
A.R.S. § 49-241(B)(5)	Operation of a facility which adds a pollutant to a dry well without an aquifer protection permit
A.R.S. § 49-241(B)(5)	Operation of a facility which adds a pollutant to an underground cave or mine without an aquifer protection permit
A.R.S. § 49-241(B)(6)	Operation of a mine tailings pile or pond without an aquifer protection permit
A.R.S. § 49-241(B)(7)	Conducting mine leaching operations without an aquifer protection permit
A.R.S. § 49-241(B)(8)	Operation of an underground water storage facility without an aquifer protection permit
A.R.S. § 49-241(B)(9)	Point source discharge to a navigable water without an aquifer protection permit
A.R.S. § 49-255.01(A)	Addition of a pollutant to navigable waters from a point source without a permit

APPENDIX L18

WATER POLLUTION CONTROL MINOR VIOLATIONS

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-104(A)	Failure of a person who filed a Notice of Disposal or received a Groundwater Quality Protection Permit to notify the Department before any cessation
A.A.C. R18-9-402(1)	Failure to limit application of nitrogen fertilizer so that it meets projected crop plant needs
A.A.C. R18-9-402(2)	Failure to time application of nitrogen fertilizer to coincide to maximum crop plant uptake
A.A.C. R18-9-402(3)	Failure to apply nitrogen fertilizer by a method designed to deliver nitrogen to the area of maximum crop plant uptake
A.A.C. R18-9-402(5)	Failure to use tillage practices that maximize water and nitrogen uptake by crop plants.
A.A.C. R18-9-A204(F)	Failure to maintain at least one copy of the contingency plan required by an individual aquifer protection permit at the location where day-to-day decisions regarding the operation of a facility are made
A.A.C. R18-9-A204(F)	Failure to advise all employees responsible for the operation of a facility of the location of a contingency plan
A.A.C. R18-9-A204(G)	Failure to promptly revise a contingency plan upon any change to the information contained in the plan
A.A.C. R18-9-A206(B)(3)	Failure to maintain monitoring records for at least 10 years after the date of a sample or measurement required by an aquifer protection permit
A.A.C. R18-9-A207(C)	Failure to notify ADEQ within five days after the occurrence of bankruptcy filing
A.A.C. R18-9-A208(A)(3)	Failure to submit to ADEQ a report indicating whether a required action was taken within 30 days after the applicable date specified in a compliance schedule
A.A.C. R18-9-A209(A)(1)	Failure to notify ADEQ before a cessation of operations at a facility for at least 60 days duration.
A.A.C. R18-9-A209(A)(3)	Failure to submit specifications to ADEQ for temporary cessation measures
A.A.C. R18-9-A209(B)(1)	Failure to notify ADEQ of the intent to cease operations
A.A.C. R18-9-A209(B)(1)(a)	Failure to submit a complete closure plan to ADEQ within 90 days following the notification of intent to cease operations
A.A.C. R18-9-A209(B)(1)(a)	Failure to submit the applicable fee for closure
A.A.C. R18-9-A209(d)	Failure to provide ADEQ with written notice that a closure plan or a post-closure plan has been fully implemented within 30 calendar days of completion
A.A.C. R18-9-A212(A)	Failure to submit a complete notice to ADEQ within 15 days following a change of ownership

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-A212(A)(6)	Failure to submit to ADEQ the fee for a change of ownership
A.A.C. R18-9-A212(B)(1)	Failure to notify ADEQ by certified mail within 15 days after a change of ownership of a transfer
A.A.C. R18-9-A212(B)(1)	Failure to submit to ADEQ a written agreement between the existing and new aquifer protection permittee indicating a specific date for transfer of all aquifer protection permit responsibility, coverage, and liability.
A.A.C. R18-9-A212(B)(2)	Failure to submit the applicable fee for the transfer of an aquifer protection permit
A.A.C. R18-9-A212(B)(4)	Failure to submit a signed statement by the new aquifer protection permittee that the permittee has reviewed the transferred permit and agrees to be bound by its terms
A.A.C. R18-9-A212(B)(5)	Failure to provide ADEQ with a copy of the Certificate of Disclosure for a transferred aquifer protection permit
A.A.C. R18-9-A301(D)(1)(e)(i)	Beginning construction prior to receiving notification of Provisional Verification of General Permit Conformance
A.A.C. R18-9-A303(B)	Failure to submit an application for renewal on a form provided by ADEQ at least 90 days before the end of the renewal period
A.A.C. R18-9-A303(B)	Failure to submit the applicable fee for aquifer protection permit renewal
A.A.C. R18-9-A304(A)	Failure to provide a complete Notice of Transfer to ADEQ by certified mail within 15 days after the date that ownership changes.
A.A.C. R18-9-A304(A)(3)	Failure to submit the applicable fee for a Notice of Transfer
A.A.C. R18-9-A305(A)(2)	Failure to provide ADEQ with a certification signed by the facility owner stating that an expansion continues to meet all the conditions of the applicable general aquifer protection permit an Updated Notice of Intent to Discharge before expansion
A.A.C. R18-9-A305(A)(3)	Failure to pay the applicable fee for expansion
A.A.C. R18-9-A309(A)(5)	Failure to connect to a sewage collection system when the connection is practical
A.A.C. R18-9-A309(A)(8)(f)	Failure to operate an on-site wastewater treatment facility so that the activities at the site do not adversely affect the operation of the facility
A.A.C. R18-9-A309(D)(2)	Failure to disconnect and remove electrical and mechanical components from a closed or abandoned on-site wastewater treatment facility.
A.A.C. R18-9-A309(D)(3)	Failure to remove or collapse the top of any tank or containment structure associated with a closed or abandoned on-site wastewater treatment facility.
A.A.C. R18-9-A309(D)(3)(a)	Failure to fill a tank or containment structure or any cavity resulting from its removal with earth, sand, gravel, concrete, or other approved material when closing or abandoning an on-site wastewater treatment facility.

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-A309(D)(3)(b)	Failure to regrade the surface to provide positive drainage when closing or abandoning an on-site wastewater treatment facility
A.A.C. R18-9-A309(D)(4)	Failure to cut and plug both ends of an abandoned sewer drain pipe between the building and a closed or abandoned on-site wastewater treatment facility not more than five feet outside the building foundation if practical, or cut and plug as close to each end as possible a closed on-site wastewater treatment facility.
A.A.C. R18-9-A309(D)(5)	Failure to notify the applicable county health or environmental department within 30 days of closing an on-site wastewater treatment facility
A.A.C. R18-9-A313(A)(2)	Failure to install components on a firm foundation that supports the components and operating loads.
A.A.C. R18-9-A313(A)(3)	Failure to prepare a site to protect native soil beneath the soil absorption area and in adjacent areas from compaction, prevent smeared absorption surfaces, minimize disturbances from grubbing, or otherwise preclude damage to the disposal area that would impair performance
A.A.C. R18-9-A313(A)(4)	Failure to protect components from damage at a construction site
A.A.C. R18-9-A313(A)(4)	Failure to install a component in conformance with the manufacturer§s instructions
A.A.C. R18-9-A313(A)(5)	Failure to place treatment media to achieve uniform density, prevent differential settling, produce a level inlet surface, and avoid introduction of construction contaminants
A.A.C. R18-9-A313(A)(6)	Failure to place backfill to prevent damage to geotextile, liner materials, tanks, or other components.
A.A.C. R18-9-A313(A)(7)	Failure to shape soil cover to shed rainfall away from backfill areas and prevent ponding of runoff
A.A.C. R18-9-A313(A)(8)	Failure to implement anti-buoyancy measures during construction when temporary saturated backfill conditions are anticipated during construction
A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan
A.A.C. R18-9-A313(B)(1)	Failure to inspect and clean pretreatment or wastewater distribution components.
A.A.C. R18-9-A313(B)(10)	Failure to inspect and monitor inspection and access ports, as applicable, to verify that operation is within expected limits
A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter
A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks
A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-A313(B)(3)	Failure to inspect and clean the effluent baffle screen and pump tank.
A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switches, or float
A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or float cleaning residue
A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines
A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks
A.A.C. R18-9-A313(B)(6)	Failure to inspect, remove and replace, if necessary, and properly dispose of filter media.
A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines
A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks
A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks
A.A.C. R18-9-A313(B)(8)	Failure to inspect and clean pump inlets or controls.
A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed
A.A.C. R18-9-A316(B)	Failure to submit a complete Report of Inspection or Notice of Transfer form
A.A.C. R18-9-A316(B)(2)	Failure to transmit a copy of the Report of Inspection to the buyer of a property
A.A.C. R18-9-B301(B)(3) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.02 General Permit requirement that the test site by restored to its natural grade following a discharge from a hydrostatic test of a drinking water distribution system.
A.A.C. R18-9-B301(C)(1) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.03 General Permit requirement that a discharge from a hydrostatic test of a pipeline previously use for transmission of fluid be contained in an impoundment with a flexible geomembrane material with a thickness of at least 10 mils.
A.A.C. R18-9-B301(C)(2) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.0 General Permit requirement that liner material associated with a discharge from a hydrostatic test of a pipeline previously use for transmission of fluid be placed over at least three inches of well-sorted sand material.
A.A.C. R18-9-B301(C)(3) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.03 General Permit requirement that all water from a hydrostatic test of a pipeline previously use for transmission of fluid be removed from the impoundment within 60 days after the end of the test.

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-B301(C)(4) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.03 General Permit requirement that the liner used for a hydrostatic test of a pipeline previously use for transmission of fluid be removed.
A.A.C. R18-9-B301(C)(5) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.03 General Permit requirement that the site used for a hydrostatic test of a pipeline previously use for transmission of fluid be restored to its natural grade.
A.A.C. R18-9-B301(G)(2) A.R.S. § 49-241	Discharge without an aquifer protection permit by failing to meet the 1.07 General Permit requirement that docks servicing watercraft have conveniently located toilet facilities for men and women
A.A.C. R18-9-C301(C)(2)	Failure to clearly mark a drywell that drains an area where hazardous substances are used, stored, loaded or treated, with "Storm Water Only" on the surface grate or manhole cover
A.A.C. R18-9-C301(D)(2)	Failure to control detrimental practices in a drywell drainage area
A.A.C. R18-9-C301(D)(3)	Failure to keep a Best Management Practices Plan for operation of a drywell on-site or at the closest practical place of work
A.A.C. R18-9-C301(D)(3)	Failure to provide a Best Management Practice plan for operation of a drywell to ADEQ upon request.
A.A.C. R18-9-C301(D)(5)	Inadequate or incomplete Best Management Practices Plan for operation of a drywell
A.A.C. R18-9-C301(E)	Failure to maintain a log book as part of the Best Management Practices Plan that documents maintenance, inspections, employee training, and sampling activities for a drywell that drains an area where hazardous substances are used, stored, loaded or treated
A.A.C. R18-9-C302(C)(1)	Failure to operate a stockpile at a mining site so that it does not impound water
A.A.C. R18-9-C302(C)(2)	Failure to direct storm runoff contacting a stockpile to a mine pit or a facility covered by an individual or general aquifer protection permit
A.A.C. R18-9-C302(C)(3)	Failure to maintain an engineered feature associated with a stockpile at a mining site and designed to aid compliance in good working condition.
A.A.C. R18-9-C302(C)(4)	Failure to repair any defects noted during a stockpile inspection at a mining site as soon as practical.
A.A.C. R18-9-C302(C)(4)	Failure to visually inspect a stockpile at a mining site.
A.A.C. R18-9-C302(D)(1)	Failure to remove any remaining material, to the greatest extent practical upon closure of a stockpile at a mining site
A.A.C. R18-9-C302(D)(1)	Failure to regrade the area to prevent impoundment of water upon closure of a stockpile at a mining site
A.A.C. R18-9-C302(D)(2)	Failure to submit a narrative description of closure measures to ADEQ within 30 days after closure of a stockpile at mining site

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-C303(C)(6)	Failure to ensure that a tracer does not leave the site in concentrations distinguishable from background water quality.
A.A.C. R18-9-C303(C)(7)	Failure to monitor the amount of tracer used and recovered
A.A.C. R18-9-C303(C)(7)	Failure to submit a report summarizing a tracer test and results to ADEQ within 30 calendar days of test completion
A.A.C. R18-9-C303(D)	Failure to retain the required information at a site where the facility is located for at least three years after tracer test completion
A.A.C. R18-9-C303(D)	Failure to make the required tracer test information available to ADEQ upon request
A.A.C. R18-9-C303(E)(1)	Failure to account for a tracer not recovered through attenuation, modeling, or monitoring when a tracer was used outside the capture zone of an established passive containment system
A.A.C. R18-9-D301(A)(2)	Failure to ensure that inflow to a lined surface impoundment or lined secondary containment structure is from an approved source.
A.A.C. R18-9-D301(B)(2)	Failure to provide the chemical analysis of each inflow to ADEQ within 60 days of each inflow to the facility
A.A.C. R18-9-D301(D)(1)	Failure to maintain sufficient freeboard to manage the 100-year, 24-hour storm event plus two feet of freeboard under normal operating conditions
A.A.C. R18-9-D301(D)(2)	Failure to remove accumulated residues, sediments, debris, or vegetation to maintain the integrity of the liner material or design capacity
A.A.C. R18-9-D301(D)(3)	Failure to perform and document a visual inspection for damage to the liner material and for accumulation of residual material at least monthly
A.A.C. R18-9-D301(D)(5)	Failure to remove all inflow from an impoundment as soon as practical, but no later than 60 days after a temporary event, for facilities designed to contain inflow only for temporary events, such as process upsets.
A.A.C. R18-9-D301(E)(1)	Failure to maintain the construction drawings or as-built drawings associated with an impoundment for 10 years
A.A.C. R18-9-D301(E)(1)	Failure to make construction or as-built drawings associated with an impoundment available to ADEQ upon request
A.A.C. R18-9-D301(E)(3)	Failure to maintain capacity design criteria associated with an impoundment for 10 years
A.A.C. R18-9-D301(E)(3)	Failure to make capacity design criteria associated with an impoundment available to ADEQ upon request
A.A.C. R18-9-D301(E)(4)	Failure to maintain a list of standard operating procedures associated with an impoundment for 10 years
A.A.C. R18-9-D301(E)(4)	Failure to make a list of standard operating procedures associated with an impoundment available to ADEQ upon request
A.A.C. R18-9-D301(E)(5)	Failure to make construction Quality Assurance/Quality Control program documentation associated with an impoundment available to ADEQ upon request

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D301(E)(5)	Failure to maintain construction Quality Assurance/Quality Control program documentation associated with an impoundment for 10 years
A.A.C. R18-9-D301(E)(6)	Failure to maintain records of an unpermitted inflow into an impoundment for 10 years
A.A.C. R18-9-D301(E)(6)	Failure to make records of any unpermitted inflow into an impoundment available to ADEQ upon request.
A.A.C. R18-9-D301(G)	Failure to notify ADEQ of the intent to close an impoundment permanently
A.A.C. R18-9-D301(G)(1)	Failure to remove any solid residue on liner material and dispose of it appropriately within 90 days following a closure notification for a surface impoundment
A.A.C. R18-9-D301(G)(2)	Failure to inspect liner material for evidence of holes, tears, or defective seams that could have leaked within 90 days following a closure notification for a surface impoundment.
A.A.C. R18-9-D301(G)(4)(a)	Failure to cover a liner in place or remove it for disposal or reuse following closure of an excavated impoundment
A.A.C. R18-9-D301(G)(4)(b)	Failure to remove and dispose of a liner elsewhere following closure of a bermed impoundment
A.A.C. R18-9-D301(G)(4)(c)	Failure to grade a facility to prevent the impoundment of water following closure of a surface impoundment.
A.A.C. R18-9-D301(G)(5)	Failure to notify ADEQ within 60 days following closure of a surface impoundment that an action plan has been implemented and the closure is complete.
A.A.C. R18-9-D302(D)(1)(b)	Failure to submit a report to ADEQ with a proposal for mitigation when the concentration of a constituent exceeded the numeric limit for an inorganic chemical, organic chemical, or pesticide in a filtration backwash discharge
A.A.C. R18-9-D302(D)(1)(b)	Failure to increase monitoring frequency for a pollutant to quarterly when the concentration of the pollutant exceeded the numeric limit for an inorganic chemical, organic chemical, or pesticide in a filtration backwash discharge
A.A.C. R18-9-D302(D)(2)(b)	Failure to submit a report to ADEQ with a proposal for mitigation when the concentration of a constituent exceeded the numeric limit for a microbiological contaminant in a filtration backwash discharge
A.A.C. R18-9-D302(D)(2)(b)	Failure to increase monitoring frequency for a pollutant to monthly when the concentration of the pollutant exceeded the numeric limit for a microbiological contaminant in a filtration backwash discharge
A.A.C. R18-9-D302(E)(1)	Failure to make construction or as-built drawings associated with process water discharges from a water treatment facility available to ADEQ upon request

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D302(E)(1)	Failure to maintain construction or as-built drawings associated with process water discharges from a water treatment facility for 10 years
A.A.C. R18-9-D302(E)(3)	Failure to maintain water quality data associated with process water discharges from a water treatment facility for 10 years
A.A.C. R18-9-D302(E)(4)	Failure to maintain a list of standard operating procedures associated with process water discharges from a water treatment facility for 10 years
A.A.C. R18-9-D302(E)(4)	Failure to make a list of standard operating procedures associated with process water discharges from a water treatment facility available to ADEQ upon request
A.A.C. R18-9-D302(E)(5)	Failure to maintain records of an unpermitted discharge associated with process water discharges from a water treatment facility for 10 years.
A.A.C. R18-9-D302(F)	Failure to report an unauthorized flow into a filtration backwash impoundment to ADEQ within five days of discovery
A.A.C. R18-9-D303(D)(1)	Failure to inspect an oil/water separator at a vehicle or equipment wash facility before operation to ensure that there are no leaks and that the oil/water separator is in operable condition.
A.A.C. R18-9-D303(D)(2)	Failure to adequately inspect an entire vehicle or equipment wash facility at least quarterly.
A.A.C. R18-9-D303(D)(3)	Failure to visually inspect each surface impoundment at least monthly, to ensure the volume of vehicle or equipment wash water is maintained within the design capacity and freeboard limitation
A.A.C. R18-9-D303(D)(4)	Failure to repair damage to the integrity of a vehicle or equipment wash pad or impoundment liner as soon as practical.
A.A.C. R18-9-D303(D)(5)	Failure to maintain the oil/water separator at a vehicle or equipment wash facility to achieve the operational performance of the separator.
A.A.C. R18-9-D303(D)(6)	Failure to remove accumulated sediments in all surface impoundments associated with a vehicle or equipment wash facility to maintain design capacity
A.A.C. R18-9-D303(D)(7)	Failure to use best management practices to minimize the introduction of chemicals not typically associated with vehicle or equipment wash operations
A.A.C. R18-9-D303(D)(7)	Use of non-biodegradable surfactant or soaps in vehicle or equipment wash operations.
A.A.C. R18-9-D303(E)(1)	Failure to monitor vehicle or equipment wash water quarterly at the point of discharge for pH and for the presence of C10 through C32 hydrocarbons when the washwater is discharged to an unlined surface impoundment or other area for subsurface disposal.
A.A.C. R18-9-D303(E)(2)	Failure to submit a report to ADEQ with a proposal for mitigation when the concentration of C10 through C32 hydrocarbons in vehicle or equipment wash water discharged to an unlined surface impoundment or other area for subsurface disposal exceeded 50 mg/l.

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D303(E)(2)	Failure to increase the monitoring frequency to monthly when the pH of vehicle or equipment wash water discharged to an unlined surface impoundment or other area for subsurface disposal was not between 6.0 and 9.0.
A.A.C. R18-9-D303(E)(2)	Failure to increase the monitoring frequency to monthly when the concentration of C10 through C32 hydrocarbons in vehicle or equipment wash water discharged to an unlined surface impoundment or other area for subsurface disposal exceeded 50 mg/l.
A.A.C. R18-9-D303(F)(1)	Failure to maintain construction drawings or as-built drawings associated with the surface impoundments for a vehicle or equipment wash facility for 10 years
A.A.C. R18-9-D303(F)(1)	Failure to make construction or as-built drawings associated with the surface impoundments for a vehicle or equipment wash facility available to ADEQ upon request
A.A.C. R18-9-D303(F)(2)	Failure to make a log book or similar documentation associated with the surface impoundments for a vehicle or equipment wash facility to record inspection results, repair and maintenance activities, monitoring results, and facility closure available to ADEQ upon request
A.A.C. R18-9-D303(F)(2)	Failure to maintain a log book or similar documentation associated with the surface impoundments for a vehicle or equipment wash facility to record inspection results, repair and maintenance activities, monitoring results, and facility closure for 10 years.
A.A.C. R18-9-D303(F)(3)	Failure to make Material Safety Data Sheets for the chemicals used in vehicle or equipment wash operations available to ADEQ upon request
A.A.C. R18-9-D303(F)(3)	Failure to maintain a required monitoring result associated with the surface impoundments for a vehicle or equipment wash facility for 10 years
A.A.C. R18-9-D303(G)	Failure to notify ADEQ of the intent to close permanently an impoundment for a vehicle or equipment wash facility
A.A.C. R18-9-D303(G)	Failure to remove any solid residue on the liner material and dispose of it appropriately within 90 days following a closure notification for a surface impoundment associated with a vehicle or equipment wash facility
A.A.C. R18-9-D303(G)	Failure to cover a liner in place or remove it for disposal or reuse following closure of an excavated impoundment associated with a vehicle or equipment wash facility
A.A.C. R18-9-D303(G)	Failure to remove and dispose of a liner elsewhere following closure of a bermed impoundment associated with a vehicle or equipment wash facility
A.A.C. R18-9-D303(G)	Failure to grade the facility to prevent the impoundment of water following closure of a surface impoundment associated with a vehicle or equipment wash facility

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D303(G)	Failure to notify ADEQ within 60 days following closure of a surface impoundment associated with a vehicle or equipment wash facility that an action plan has been implemented and the closure is complete
A.A.C. R18-9-D303(G)	Failure to grade a vehicle or equipment wash facility to prevent impoundment of water when no liner has been used
A.A.C. R18-9-D303(G)	Failure to inspect liner material for evidence of holes, tears, or defective seams that could have leaked within 90 days following a closure notification for a surface impoundment associated with a vehicle or equipment wash facility.
A.A.C. R18-9-D303(G)	Failure to remove a liner in an area of suspected leakage and sample potentially impacted soil within 90 days following a closure notification for a surface impoundment associated with a vehicle or equipment wash facility.
A.A.C. R18-9-D304(C)(4)	Failure to implement a Quality Assurance/Quality Control program that meets or exceeds the liner manufacturer's guidelines for a non-storm water impoundment at a mining site.
A.A.C. R18-9-D304(D)(2)	Failure to remove accumulated residues, sediments, debris, or vegetation in a non-storm water impoundment at a mining site.
A.A.C. R18-9-D304(D)(3)	Document a visual inspection of a non-storm water impoundment at a mining site for cracks, tears, perforations and residual build-up at least monthly.
A.A.C. R18-9-D304(D)(4)	Failure to report to ADEQ cracks, tears, or perforations in the liner in a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(D)(5)	Failure to remove process solution from a non-storm water impoundment at a mining site as soon as practical, but no later than 60 days after cessation of an upset
A.A.C. R18-9-D304(D)(6)	Failure to remove process solution from a non-storm water impoundment at a mining site as soon as practical after a rainfall.
A.A.C. R18-9-D304(E)(1)	Failure to maintain construction or as-built drawings for a non-storm water impoundment at a mining site for 10 years
A.A.C. R18-9-D304(E)(2)	Failure to maintain a log book or similar documentation for a non-storm water impoundment at a mining site to record inspection results, repair and maintenance activities, monitoring results, and facility closure for 10 years.
A.A.C. R18-9-D304(E)(3)	Failure to maintain capacity design criteria for a non-storm water impoundment at a mining site for 10 years
A.A.C. R18-9-D304(E)(3)	Failure to make capacity design criteria for a non-storm water impoundment at a mining site available to ADEQ upon request
A.A.C. R18-9-D304(E)(4)	Failure to maintain a list of standard operating procedures for a non-storm water impoundment at a mining site for 10 years

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D304(E)(4)	Failure to make a list of standard operating procedures for a non-storm water impoundment at a mining site available to ADEQ upon request
A.A.C. R18-9-D304(E)(5)	Failure to maintain Quality Assurance/Quality Control program documentation for a non-storm water impoundment at a mining site for 10 years
A.A.C. R18-9-D304(E)(5)	Failure to make Quality Assurance/Quality Control program for a non-storm water impoundment at a mining site documentation available to ADEQ upon request
A.A.C. R18-9-D304(F)(1)	Failure to submit a final report to ADEQ within 60 days of discovering a liner breach in a non-storm water impoundment at a mining site summarizing the circumstances of the problem and corrective actions taken.
A.A.C. R18-9-D304(F)(1)	Failure to submit a final report to ADEQ within 60 days of discovering a breach in a non-storm water impoundment at a mining site summarizing the circumstances of the problem and corrective actions taken.
A.A.C. R18-9-D304(F)(1)	Failure to submit a final report to ADEQ within 60 days of discovering a liner breach in a non-storm water impoundment at a mining site summarizing the circumstances of the problem and corrective actions taken
A.A.C. R18-9-D304(F)(1)	Failure to submit a report to ADEQ within five days of discovering a liner breach in non-storm water impoundment at a mining site as evidenced by a drop in water level not attributable to evaporation.
A.A.C. R18-9-D304(F)(1)	Failure to submit a report to ADEQ within five days of discovering a breach in a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)	Failure to notify ADEQ of the intent to permanently close a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)(1)	Failure to remove any solid residue on the liner material and dispose of it appropriately within 90 days following a closure notification for a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)(2)	Failure to inspect liner material for evidence of holes, tears, or defective seams that could have leaked within 90 days following a closure notification. for a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)(3)	Failure to remove a liner in an area of suspected leakage and sample potentially impacted soil within 90 days following a closure notification for a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)(3)	Failure to notify ADEQ and submit an action plan for ADEQ§s approval within 60 days when soil remediation levels have been exceeded in a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)(4)(a)	Failure to cover a liner in place or remove it for disposal or reuse following closure of an excavated non-storm water impoundment at a mining site

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D304(G)(4)(b)	Failure to remove and dispose of a liner elsewhere following closure of a bermed non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)(4)(c)	Failure to grade the facility to prevent the impoundment of water following closure of a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)(5)	Failure to notify ADEQ within 60 days following closure of a non-storm water impoundment at a mining site that an action plan has been implemented and the closure is complete
A.A.C. R18-9-D305(D)(1)	Failure to manage a disposal wetland to minimize vector problems
A.A.C. R18-9-D305(D)(2)	Failure to implement a Best Management Practices Plan for operation of a disposal wetland
A.A.C. R18-9-D305(D)(3)	Failure to perform a quarterly inspection of a disposal wetland to review bank integrity, erosion evidence, the condition of signage and vegetation
A.A.C. R18-9-D305(E)(1)	Failure to maintain construction or as-built drawings for a disposal wetland for 10 years
A.A.C. R18-9-D305(E)(1)	Failure to make construction or as-built drawings for a disposal wetland available to ADEQ upon request
A.A.C. R18-9-D305(E)(2)	Failure to maintain a log book or similar documentation for a disposal wetland to record inspection results, repair and maintenance activities, monitoring results, and facility closure for 10 years.
A.A.C. R18-9-D305(F)	Failure to provide ADEQ with an annual assessment of the biological condition of a disposal wetland
A.A.C. R18-9-D305(F)	Failure to provide ADEQ with the volume of inflow to a disposal wetland for the past year
A.A.C. R18-9-D306(D)(1)	Failure to monitor for nutrients or other constituents as indicators of wetland performance for water leaving a wetlands to treat acid rock drainage.
A.A.C. R18-9-D306(D)(2)	Failure to implement a Best Management Practices Plan for operation of a wetland to treat acid rock drainage
A.A.C. R18-9-D306(D)(3)	Failure to correct a problem noted during a quarterly inspection of a wetland to treat acid rock drainage.
A.A.C. R18-9-D306(E)(1)	Failure to maintain construction or as-built drawings for a wetland to treat acid rock drainage for 10 years
A.A.C. R18-9-D306(E)(1)	Failure to make construction or as-built drawings for a wetland to treat acid rock drainage available to ADEQ upon request
A.A.C. R18-9-D306(F)(2)	Failure to notify ADEQ that a contingency plan is being implemented when final laboratory result confirm that the quality of the water leaving a wetlands to treat acid rock drainage does not meet the applicable standards
A.A.C. R18-9-D306(F)(3)	Failure to provide ADEQ with an annual assessment of the biological condition of a wetland to treat acid rock drainage

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D306(F)(3)	Failure to provide ADEQ with the volume of inflow to a wetland to treat acid rock drainage in the past year
A.A.C. R18-9-D307(C)(11)	Failure to ensure that operation of a tertiary treatment wetland is consistent with local zoning and land use requirements.
A.A.C. R18-9-D307(D)(1)	Failure to implement an approved Best Management Practices Plan for a tertiary treatment wetland
A.A.C. R18-9-D307(D)(2)	Failure to ensure that an analysis of wastewater samples leaving a tertiary treatment wetland are conducted by a laboratory certified by the Arizona Department of Health Services,
A.A.C. R18-9-D307(D)(2)	Failure to follow ADEQ§s Quality Assurance/Quality Control requirements when conducting an analysis of wastewater samples leaving a tertiary treatment wetland
A.A.C. R18-9-D307(D)(2)	Failure to monitor wastewater leaving a tertiary treatment wetland to ensure that discharge water quality meets the intended treatment.
A.A.C. R18-9-D307(D)(4)	Failure to correct a problem discovered during a quarterly inspection of a tertiary treatment wetland
A.A.C. R18-9-D307(D)(4)	Failure to inspect a tertiary treatment wetland at least quarterly for bank and liner integrity, erosion evidence, and condition of signage and vegetation.
A.A.C. R18-9-D307(E)(1)	Failure to maintain construction or as-built drawings for a tertiary treatment wetland for 10 years
A.A.C. R18-9-D307(E)(1)	Failure to make construction or as-built drawings for a tertiary treatment wetland available to ADEQ upon request
A.A.C. R18-9-D307(E)(2)	Failure to maintain a log book or similar documentation for a tertiary treatment wetland to record inspection results, repair and maintenance activities, monitoring results, and facility closure for 10 years
A.A.C. R18-9-D307(F)	Failure to provide ADEQ with an annual assessment of the biological condition of a tertiary treatment wetland
A.A.C. R18-9-D307(F)	Failure to provide ADEQ with the volume of inflow to a tertiary treatment wetland in the past year
A.A.C. R18-9-E301(B)(2)	Failure to minimize sedimentation, blockage, or erosion through maintenance of proper flow velocities throughout a sewage collection system
A.A.C. R18-9-E301(B)(5)	Failure to provide for adequate inspection, maintenance, testing, visibility, or accessibility for a sewage collection system
A.A.C. R18-9-E301(F)(1)	Failure to maintain or revise an operation and maintenance plan at the system control for a sewage collection system that has a design flow of more than 10,000 gallons per day center

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E301(F)(1)	Failure to maintain or revise an operation and maintenance plan at the system control center for a sewage collection system that includes a force main and lift station
A.A.C. R18-9-E301(F)(2)	Failure to ensure that an operation and maintenance plan is the basis for operation and continuing maintenance of a sewer collection system
A.A.C. R18-9-E303(C)(2)	Failure to properly manage gray water from a composting toilet
A.A.C. R18-9-E303(C)(3)	Failure to prevent vectors associated with a composting toilet
A.A.C. R18-9-E303(F)(1)	Failure to provide adequate mixing, ventilation, temperature control, moisture, or bulk to reduce fire hazard and prevent anaerobic conditions in a composting toilet
A.A.C. R18-9-E303(F)(2)	Failure to follow the manufacturer's recommendations regarding use of an organic bulking agent to control liquid drainage, promote aeration, or provide additional carbon in a composting toilet
A.A.C. R18-9-E303(F)(3)	Failure to follow the manufacturer's recommendations for operation, maintenance, and recordkeeping regarding rotating tines used to control the movement of material to the bottom of a composting chamber
A.A.C. R18-9-E303(F)(4)	Failure to place a new container in the composting toilet area when the previous one was full for a batch system container that is mounted on a carousel
A.A.C. R18-9-E303(F)(5)	Failure to ensure that only human waste is introduced to a composting tank
A.A.C. R18-9-E303(F)(5)	Failure to ensure that only paper approved for septic tank use is introduced to a composting tank
A.A.C. R18-9-E303(F)(5)	Failure to ensure that only the amount of bulking material required for proper maintenance is introduced to a composting tank
A.A.C. R18-9-E303(F)(5)	Failure to immediately remove all non-approved materials or trash from a composting toilet
A.A.C. R18-9-E303(F)(6)	Failure to ensure that liquid end product that does not evaporate is sprayed back onto composting waste material or removed by a permitted or licensed waste hauler
A.A.C. R18-9-E303(F)(7)	Failure to remove and dispose of composted waste, at least annually, using a permitted or licensed waste hauler when the waste is not placed in a disposal area for burial
A.A.C. R18-9-E303(F)(8)	Failure to take measures to assure that moisture is maintained to sustain bacterial activity in a composting toilet before ending use for an extended period
A.A.C. R18-9-E303(F)(8)	Failure to take measures to assure that free liquids in a composting toilet tank do not freeze before ending use for an extended period
A.A.C. R18-9-E303(F)(9)	Failure to empty the composting tank of solid end product as designed after an extended period of non-use

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E303(F)(9)	Failure to inspect all mechanical components of a composting toilet to verify that the mechanical components are operating after an extended period of non-use
A.A.C. R18-9-E304(B)(1)	Failure to ensure that a pressure distribution system has ADEQ-approved dispersing components that provide proper dispersal of wastewater so that loading rates are optimized for the particular system
A.A.C. R18-9-E304(B)(2)	Failure to ensure that a pressure distribution system prevents ponding on the land surface.
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(1)	Failure to inspect and clean pretreatment or wastewater distribution components for a pressure distribution system.
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(10)	Failure to inspect and monitor inspection and access ports, as applicable, to verify that operation is within expected limits for a pressure distribution system.
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(3)	Failure to inspect and clean the effluent baffle screen and pump tank for a pressure distribution system.
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(6)	Failure to inspect, remove and replace, if necessary, and properly dispose of filter media for a pressure distribution system.
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a pressure distribution system

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(8)	Failure to inspect and clean pump inlets and controls for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a pressure distribution system
A.A.C. R18-9-E304(G)(3)	Failure to maintain the finish grade for proper surface drainage for a pressure distribution system
A.A.C. R18-9-E304(G)(3)	Failure to observe the finish grade for proper surface drainage for a pressure distribution system
A.A.C. R18-9-E304(G)(3)	Failure to observe the levelness of the tank for differential settling for a pressure distribution system
A.A.C. R18-9-E304(G)(3)	Failure to grade the facility to maintain surface drainage when there is settling for a pressure distribution system
A.A.C. R18-9-E305(F)	Failure to inspect the finished grade in the vicinity of the gravelless disposal field for maintenance of proper drainage and protection from damaging loads.
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(1)	Failure to inspect and clean pretreatment or wastewater distribution components for a gravelless trench.
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(10)	Failure to inspect and monitor inspection and access ports, as applicable, to verify that operation is within expected limits for a gravelless trench.
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(3)	Failure to inspect and clean the effluent baffle screen and pump tank for a gravelless trench.
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a gravelless trench

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(6)	Failure to inspect, remove and replace, if necessary, and properly dispose of filter media for a gravelless trench.
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(8)	Failure to inspect and clean pump inlets and controls for a gravelless trench.
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a gravelless trench
A.A.C. R18-9-E306(C)(1)	Failure to ensure that a natural seal evapotranspiration bed minimizes discharge to the native soil through the natural seal liner.
A.A.C. R18-9-E306(C)(2)	Failure to ensure that a natural seal evapotranspiration bed maximizes wastewater disposed to the atmosphere by evapotranspiration
A.A.C. R18-9-E306(C)(3)	Failure to ensure that a natural seal evapotranspiration bed maintains an interval of unsaturated media directly beneath the bed surface
A.A.C. R18-9-E306(C)(3)	Failure to ensure that a natural seal evapotranspiration bed prevents ponding of wastewater on the bed surface
A.A.C. R18-9-E307(C)(1)	Failure to ensure that a lined evapotranspiration bed prevents discharge to the native soil through the use of a synthetic liner.
A.A.C. R18-9-E307(C)(2)	Failure to ensure that a lined evapotranspiration bed attains full disposal of wastewater to the atmosphere by evapotranspiration
A.A.C. R18-9-E307(C)(2)	Ponding or seepage caused by a failure to ensure that a lined evapotranspiration bed attains full disposal of wastewater to the atmosphere by evapotranspiration.
A.A.C. R18-9-E307(C)(3)	Failure to ensure that a lined evapotranspiration bed maintains an interval of unsaturated media directly beneath the bed surface
A.A.C. R18-9-E307(C)(3)	Failure to ensure that a lined evapotranspiration bed prevents ponding of wastewater on the bed surface.
A.A.C. R18-9-E307(H)(1)	Irrigation of an evapotranspiration bed.
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(1)	Failure to inspect and clean pretreatment or wastewater distribution components for a Wisconsin mound

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(10)	Failure to inspect and monitor inspection and access ports, as applicable, to verify that operation is within expected limits for a Wisconsin mound.
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(3)	Failure to inspect and clean the effluent baffle screen and pump tank for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(6)	Failure to inspect, remove and replace, if necessary, and properly dispose of filter media for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(8)	Failure to inspect and clean pump inlets and controls for a Wisconsin mound.
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a Wisconsin mound
A.A.C. R18-9-E308(F)(3)	Failure to specify servicing and waste disposal procedures or task schedules necessary for clearing the main pressurized wastewater line and secondary distribution lines, septic tank effluent filter, pump intake, and controls for a Wisconsin mound
A.A.C. R18-9-E309(F)	Failure to promptly repair a backfill cover found to have physical damage or erosion for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for an engineered pad system

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for an engineered pad system
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for an intermittent sand filter

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for an intermittent sand filter
A.A.C. R18-9-E311(F)	Failure to perform maintenance of the finish grade over a peat filter when needed
A.A.C. R18-9-E311(F)	Failure to inspect the finished grade over a peat filter for proper drainage, protection from damaging loads, and root invasion of the wastewater distribution system.
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(10)	Failure to inspect and monitor inspection and access ports, as applicable, to verify that operation is within expected limits for a peat filter.
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch or float for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a peat filter

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a peat filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(1)	Failure to inspect and clean pretreatment or wastewater distribution components for a textile filter.
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(10)	Failure to inspect and monitor inspection and access ports, as applicable, to verify that operation is within expected limits for a textile filter.
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(3)	Failure to inspect and clean the effluent baffle screen and pump tank for a textile filter.
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch or float for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(6)	Failure to inspect, remove and replace, if necessary, and properly dispose of filter media for a textile filter.
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(8)	Failure to inspect and clean pump inlets and controls for a textile filter.
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a textile filter

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(1)	Failure to inspect and clean pretreatment or wastewater distribution components for an aerobic system with subsurface disposal.
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(10)	Failure to inspect and monitor inspection and access ports, as applicable, to verify that operation is within expected limits for an aerobic system with subsurface disposal.
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(3)	Failure to inspect and clean the effluent baffle screen and pump tank for an aerobic system with subsurface disposal.
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for an aerobic system with subsurface disposal for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(6)	Failure to inspect, remove and replace, if necessary, and properly dispose of filter media for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(8)	Failure to inspect and clean pump inlets and controls for an aerobic system with subsurface disposal.
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for an aerobic system with subsurface disposal

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E316(C)(3)	Failure to use a sprinkler, bubbler heads, or other components that provide dispersal to optimize wastewater loading rates and prevent ponding on the land surface from an aerobic system with surface disposal
A.A.C. R18-9-E317(F)	Failure to repair a cap fill or other surface features as needed to ensure proper disposal function, proper drainage of surface water, and prevention of damaging loads on the cap
A.A.C. R18-9-E317(F)	Failure to inspect a cap fill or other surface features.
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(1)	Failure to inspect and clean pretreatment or wastewater distribution components for a cap system.
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(10)	Failure to inspect and monitor inspection and access ports, as applicable, to verify that operation is within expected limits for a cap system.
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(3)	Failure to inspect and clean the effluent baffle screen and pump tank for a cap system.
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(6)	Failure to inspect, remove and replace, if necessary, and properly dispose of filter media for a cap system.
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a cap system

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(8)	Failure to inspect and clean pump inlets and controls for a cap system.
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a cap system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(1)	Failure to inspect and clean pretreatment or wastewater distribution components for a sand lined trench system.
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(10)	Failure to inspect and monitor inspection and access ports, as applicable, to verify that operation is within expected limits for a sand lined trench system.
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(3)	Failure to inspect and clean the effluent baffle screen and pump tank for a sand lined trench system.
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(6)	Failure to inspect, remove and replace, if necessary, and properly dispose of filter media for a sand lined trench system.
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(8)	Failure to inspect and clean pump inlets and controls for a sand lined trench system.

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a sand lined trench system
A.A.C. R18-9-E319(F)(1)	Failure to ensure that the septic tank filter and pump tank are cleaned for a sand lined trench system
A.A.C. R18-9-E319(F)(1)	Failure to ensure that the septic tank filter and pump tank are inspected for a sand lined trench system.
A.A.C. R18-9-E319(F)(2)	Failure to ensure that a dosing tank pump screen, pump switches, or float is cleaned yearly for a sand lined trench system
A.A.C. R18-9-E319(F)(2)	Failure to ensure that residue from a dosing tank pump screen, pump switch, or float has been disposed of for a sand lined trench system
A.A.C. R18-9-E319(F)(3)	Failure to ensure that lateral lines are flushed for a sand lined trench system
A.A.C. R18-9-E319(F)(3)	Failure to ensure that the liquid waste from the flushing of later lines is discharged into the treatment system headworks for a sand lined trench system
A.A.C. R18-9-E320(D)(1)	Failure to ensure that a disinfection device relying upon the addition of chemicals for disinfection is operated to minimize the discharge of disinfection chemicals while achieving the required level of disinfection
A.A.C. R18-9-E320(D)(2)	Failure to incorporate of a fail-safe mechanism to prevent inadequately treated wastewater from being discharged.
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(1)	Failure to inspect and clean pretreatment or wastewater distribution components for a subsurface drip irrigation disposal system.
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(10)	Failure to inspect and monitor inspection and access ports, as applicable, to verify that operation is within expected limits for a subsurface drip irrigation disposal system.
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(3)	Failure to inspect and clean the effluent baffle screen and pump tank for a subsurface drip irrigation disposal system.
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for a subsurface drip irrigation disposal system

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(6)	Failure to inspect, remove and replace, if necessary, and properly dispose of filter media for a subsurface drip irrigation disposal system.
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(8)	Failure to inspect and clean pump inlets and controls for a subsurface drip irrigation disposal system.
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a subsurface drip irrigation disposal system
A.A.C. R18-9-E323(D)(1)	Failure to provide ADEQ with a complete annual form signed by the certified operator or service company for an on-site wastewater treatment facility
A.A.C. R18-9-E323(D)(2)	Failure to pay the applicable fee for an on-site wastewater treatment facility
A.R.S. § 49-242(D)	Failure to register a notice of disposal or groundwater quality protection permit and pay an annual registration fee
A.R.S. § 49-242(B)	Failure to register an aquifer protection permit and pay an annual registration fee for an injection well
A.R.S. § 49-242(B)	Failure to register an aquifer protection permit and pay an annual registration fee for a dry well
A.R.S. § 49-242(B)	Failure to register an aquifer protection permit and pay an annual registration fee for an on-site wastewater treatment facility
A.R.S. § 49-242(C)	Failure to register an aquifer protection permit and pay an annual registration fee for a surface impoundment
A.R.S. § 49-242(C)	Failure to register an aquifer protection permit and pay an annual registration fee for a facility which adds a pollutant to a salt dome formation

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.R.S. § 49-242(C)	Failure to register an aquifer protection permit and pay an annual registration fee for a facility which adds a pollutant to a salt bed formation
A.R.S. § 49-242(C)	Failure to register an aquifer protection permit and pay an annual registration fee for a facility which adds a pollutant to an underground cave or mine
A.R.S. § 49-242(C)	Failure to register an aquifer protection permit and pay an annual registration fee for a mine leaching operation
A.R.S. § 49-242(C)	Failure to register an aquifer protection permit and pay an annual registration fee for a sewage or sludge pond
A.R.S. § 49-242(C)	Failure to register an aquifer protection permit and pay an annual registration fee for a wastewater treatment facility
A.R.S. § 49-252(A)	Failure to notify ADEQ of the intent to permanently cease an activity associated with a dry well
A.R.S. § 49-252(A)	Failure to notify ADEQ of the intent to permanently cease an activity associated with a groundwater quality permit facility
A.R.S. § 49-252(A)	Failure to notify ADEQ of the intent to permanently cease an activity associated with an aquifer protection permit
A.R.S. § 49-252(B)	Failure to submit a closure plan within ninety days of notifying ADEQ of the intent to permanently cease an activity associated with aquifer protection
A.R.S. § 49-252(E)	Failure to submit an aquifer protection permit application or a request for an aquifer protection permit modification following a director's request, in order to address closure activities.

APPENDIX L19

CAUTION LEVELS - WATER QUALITY PERMITS

Monitoring Frequency	TRC Violations[1]	Discharge Limit Violations[2]	Review Period
Daily	4-8	9-17	Quarterly
5 per week	3-5	6-11	Quarterly
2 per week	2-4	5-9	Quarterly
5 per month	2-3	4-7	Quarterly
1 per week	1-2	3-5	Quarterly
2 per month	1	2-3	Quarterly
1 per month	1	2-3	2 Quarters
Quarterly	N/A	1 or more	Quarterly
Biannually	N/A	1 or more	Biannual
Annually	N/A	1 or more	Annual

[1]A Technical Review Criteria (TRC) violation is:

1. A deviation from a Category 1 TRC discharge limit by more than 1.4 times the discharge limit;
2. A deviation from a Category 2 TRC discharge limit by more than 1.2 times the discharge limit;
3. A deviation from a pH discharge limit; or
4. A Failure to report a single discharge limit parameter or inspection requirement on an ADEQ approved or supplied Self-Monitoring Report Form.

[2] A Discharge Limit Violation is:

1. A deviation from a restriction, prohibition, limitation, or criteria established by statute, rule, water quality permit, administrative order, or Consent Judgment on quantities, rates, concentrations, combinations, toxicity, and characteristics of pollutants at a given monitoring point established in a water quality permit
2. A failure to report a restriction, prohibition, limitation, or criteria established by statute, rule, water quality permit, administrative order, or Consent Judgment on quantities, rates, concentrations, combinations, toxicity, and characteristics of pollutants at a given monitoring point in a water quality permit

APPENDIX L20

MAJOR VIOLATIONS - WATER QUALITY PERMITS

Monitoring Frequency	TRC Violations[1]	Discharge Limit Violations[2]	Review Period
Daily	9 or more	18 or more	Quarterly
5 per week	6 or more	12 or more	Quarterly
2 per week	5 or more	10 or more	Quarterly
5 per month	4 or more	8 or more	Quarterly
1 per week	3 or more	6 or more	Quarterly
2 per month	2 or more	4 or more	Quarterly
1 per month	2 or more	4 or more	2 Quarters
Quarterly	1 or more	N/A	Quarterly
Biannually	1 or more	N/A	Biannual
Annually	1 or more	N/A	Annual

- Two or more Caution Level Exceedences within two, three, or four applicable consecutive review periods.
- Submittal of an ADEQ-approved or supplied Self-Monitoring Report Form (SMRF) 30 or more days after the due date (including a failure to report).

---

[1]A Technical Review Criteria (TRC) violation is:

1. A deviation from a Category 1 TRC discharge limit by more than 1.4 times the discharge limit;
2. A deviation from a Category 2 TRC discharge limit by more than 1.2 times the discharge limit;
3. A deviation from a pH discharge limit; or
4. A Failure to report a single discharge limit parameter or inspection requirement on an ADEQ approved or supplied Self-Monitoring Report Form.

[2] A Discharge Limit Violation is:

1. A deviation from a restriction, prohibition, limitation, or criteria established by statute, rule, water quality permit, administrative order, or Consent Judgment on quantities, rates, concentrations, combinations, toxicity, and characteristics of pollutants at a given monitoring point established in a water quality permit
2. A failure to report a restriction, prohibition, limitation, or criteria established by statute, rule, water quality permit, administrative order, or Consent Judgment on quantities, rates, concentrations, combinations, toxicity, and characteristics of pollutants at a given monitoring point in a water quality permit

TECHNICAL REVIEW CRITERIA (TRC) DISCHARGE LIMITS

Category 1 - Conventional Pollutants
(40% exceedance of discharge limit)

Oxygen Demand
Biochemical Oxygen Demand
Chemical Oxygen Demand
Total Oxygen Demand
Total Organic Carbon

Solids
Total Suspended Solids (Residues)
Total Dissolved Solids (Residues)
Turbidity
Other

Nutrients
Inorganic Phosphorus Compounds
Inorganic Nitrogen Compounds
Other

Detergents and Oils
MBAs
NTA
Oil and Grease
Other Detergents or Algicides

Minerals
Calcium
Chloride
Fluoride
Magnesium
Sodium
Potassium
Sulfur
Sulfate
Total Alkalinity
Total Hardness
Other Minerals

Metals
Aluminum
Cobalt
Iron
Vanadium

Temperature

Category 2 - Toxic Pollutants
(20% exceedance of discharge limit)

Metals (all forms)
Other metals not specifically listed under Category 1

Inorganic
Cyanide
Total Residual Chlorine

Organics
All Organics are Category 2 except those specifically listed in Category 1

Other
Flow
Radio nuclides
Fecal Coliform
Viruses

APPENDIX L21

LUST ENFORCEMENT MAJOR VIOLATIONS

CITATION	DESCRIPTION OF MAJOR VIOLATION - LUST
40 CFR § 280.52(b) 40 CFR § 280.62(a)(5) A.R.S. § 49-1004(D) A.R.S. § 49-1005(H)	Failure to conduct a site check by measuring for the presence of a release where contamination is most likely to be present at a UST site
40 CFR § 280.64 A.R.S. § 49-1005(H)	Failure to remove free product to the maximum extent practicable
40 CFR § 280.64(d) A.R.S. § 49-1005(H)	Failure to submit a free product removal report
40 CFR § 280.65 A.R.S. § 49-1005(H)	Failure to define the full extent of contamination associated with a UST release in accordance with a schedule established by ADEQ
40 CFR § 280.66 ARS § 49-1005(H)	Failure to submit a Corrective Action Plan according to a schedule and format established by ADEQ
40 CFR § 280.66(a) A.R.S. § 49-1005(H)	Failure to modify a Corrective Action Plan as required by ADEQ
40 CFR § 280.66(a) A.R.S. § 49-1005(H)	Failure to submit additional information in response to contaminated soils and groundwater as required by ADEQ
40 CFR § 280.66(c) A.R.S. § 49-1005(H)	Failure to implement a Corrective Action Plan approved by ADEQ

APPENDIX L22

BIOSOLIDS MAJOR VIOLATIONS LIST

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1002(C)	Land application of biosolids in a manner that is not consistent with the applicable biosolids rules
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.22(c)	Failure to submit to ADEQ a written closure and post closure plan at least 180 days prior to the date that an active sewage sludge unit closes
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.22(c)(1)	Failure to include in a closure or post closure plan, a discussion of how the leachate collection system will be operated and maintained for three years after the sewage sludge unit closes when the sewage sludge unit has a liner and leachate collection system
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.22(c)(2)	Failure to include in a closure or post closure plan, a description of the system used to monitor for methane gas in the air in any structures within the surface disposal site and in the air at the property line of the surface disposal site
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.22(c)(3)	Failure to include in a closure or post closure plan, a discussion of how public access to the surface disposal site will be restricted for three years after the last sewage sludge unit in the surface disposal site closes
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.23(a)(1)	Failure to provide written notification to the subsequent owner of the site that sewage sludge was placed on the land
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.23(a)(1)	Placement of sewage sludge with an arsenic concentration in excess of 73 mg/kg on an active sewage sludge unit without a liner and leachate collection system
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.23(a)(1)	Placement of sewage sludge with a chromium concentration in excess of 600 mg/kg on an active sewage sludge unit without a liner and leachate collection system
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.23(a)(1)	Placement of sewage sludge with a nickel concentration in excess of 420 mg/kg on an active sewage sludge unit without a liner and leachate collection system
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.23(a)(2)	Placement of sewage sludge with an arsenic concentration in excess of the allowable amount on an active sewage sludge unit without a liner and leachate collection system whose boundary is less than 150 meters from the property line
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.23(a)(2)	Placement of sewage sludge with a chromium concentration in excess of the allowable amount on an active sewage sludge unit without a liner and leachate collection system whose boundary is less than 150 meters from the property line
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.23(a)(2)	Placement of sewage sludge with a chromium concentration in excess of the allowable amount on an active sewage sludge unit without a liner and leachate collection system whose boundary is less than 150 meters from the property line

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.23(b)(2)	Placement of sewage sludge with an arsenic concentration in excess of the lower of either the amount specified by ADEQ or the existing arsenic concentration in the sewage sludge, on an active sewage sludge unit without a liner and leachate collection system
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.23(b)(2)	Placement of sewage sludge with a chromium concentration in excess of the lower of either the amount specified by ADEQ or the existing arsenic concentration in the sewage sludge, on an active sewage sludge unit without a liner and leachate collection system
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.23(b)(2)	Placement of sewage sludge with a nickel concentration in excess of the lower of either the amount specified by ADEQ or the existing arsenic concentration in the sewage sludge, on an active sewage sludge unit without a liner and leachate collection system
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(a)	Placement of sewage sludge on an active sewage sludge unit when it was likely to adversely affect a threatened or endangered species listed under section 4 of the Endangered Species Act or its designated critical habitat
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(b)	Failure to ensure that an active sewage sludge unit will not restrict the flow of a base flood
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(c)	Failure to design a sewage sludge unit to withstand the maximum recorded horizontal ground level acceleration when a surface disposal site is located in a seismic impact zone
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(d)	Location of an active sewage sludge unit less than 60 meters from a fault that has displacement in Holocene time
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(e)	Location of an active sewage sludge unit in an unstable area
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(f)	Location of an active sewage sludge unit in a wetland
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(g)(1)	Failure to collect and dispose of run-off from an active sewage sludge unit in accordance with National Pollutant Discharge Elimination System permit requirements or any other applicable requirements
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(g)(2)	Failure to ensure that the run-off collection system for an active sewage sludge unit has the capacity to handle run-off from a 24-hour, 25-year storm event
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(h)	Failure to operate and maintain the leachate collection system for an active sewage sludge unit that has a liner and leachate collection system during the period the sewage sludge unit is active and for three years after the sewage sludge unit closes
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(i)	Failure to collect and dispose leachate from an active sewage sludge unit that has a liner and leachate collection system in accordance with the applicable requirements during the period the sewage sludge unit is active and for three years after the sewage sludge unit closes

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(j)(1)	Failure to ensure that the concentration of methane gas in air in a structure within the surface disposal site does not exceed 25 percent of the lower explosive limit for methane gas during the period that the sewage sludge unit is active when a cover is placed on an active sewage sludge unit
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(j)(1)	Failure to ensure that the concentration of methane gas in air at the property line of the surface disposal site does not exceed the lower explosive limit for methane gas during the period that the sewage sludge unit is active when cover is placed on an active sewage sludge unit
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(j)(2)	Failure to ensure that the concentration of methane gas in air in a structure within the surface disposal site does not exceed 25 percent of the lower explosive limit for methane gas for three years after the sewage sludge unit closes when a final cover is placed on a sewage sludge unit at closure
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(j)(2)	Failure to ensure that the concentration of methane gas in air at the property line of the surface disposal site does not exceed the lower explosive limit for methane gas for three years after the sewage sludge unit closes when a final cover is placed on a sewage sludge unit at closure
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(k)	Growing a food crop, a feed crop, or a fiber crop on an active sewage sludge unit
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(l)	Grazing of animals on an active sewage sludge unit
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(m)	Failure to restrict public access to a surface disposal site for the period that the surface disposal site contains an active sewage sludge unit and for three years after the last active sewage sludge unit in the surface disposal site closes
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(n)(1)	Failure to ensure that sewage sludge placed on an active sewage sludge unit does not contaminate an aquifer
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.24(n)(2)	Failure to use results of a ground-water monitoring program developed by a qualified ground-water scientist or a certification by a qualified ground-water scientist to demonstrate that sewage sludge placed on an active sewage sludge unit does not contaminate an aquifer
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.25(a)	Failure ensure that either Class A or Class B pathogen requirements are met when sewage sludge (other than domestic septage) is placed on an active sewage sludge unit
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.25(b)	Failure to ensure that the vector attraction reduction requirements are met when sewage sludge (other than domestic septage) is placed on an active sewage sludge unit
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.25(c)	Failure to ensure that the vector attraction reduction requirements are met when domestic septage is placed on an active sewage sludge unit

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.26(a)	Failure to monitor regulated pollutants in sewage sludge (other than domestic septage) placed on an active sewage unit at the required frequency
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.26(a)	Failure to monitor pathogen density requirements in sewage sludge (other than domestic septage) placed on an active sewage unit at the required frequency
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.26(a)	Failure to monitor the vector attraction reduction requirements in sewage sludge (other than domestic septage) placed on an active sewage unit at the required frequency
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.26(b)	Failure to monitor domestic septage for compliance with vector reduction requirements when placed on an active sewage sludge unit
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.26(c)	Failure to continuously monitor air for methane gas in structures within a surface disposal site and at the property line of the surface disposal site during the period that the surface disposal site contains an active sewage sludge unit on which the sewage sludge is covered and for three years after a sewage sludge unit closes when a final cover is placed on the sewage sludge
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.28	Failure to report required sewage sludge monitoring information to ADEQ on or before February 19
A.A.C. R18-9-1002(E)(1)(a) A.A.C. R18-9-1006(A)	Failure to meet either Class A or Class B pathogen reduction requirements in a sewage sludge unit or at a biosolids surface disposal site
A.A.C. R18-9-1002(E)(1)(b) A.A.C. R18-9-1010(A)	Failure to comply with the vector attraction reduction requirements for a sewage sludge unit or at a biosolids surface disposal site
A.A.C. R18-9-1002(E)(2)	Failure to obtain an aquifer protection permit for a biosolids surface disposal site
A.A.C. R18-9-1002(F)	Application of bulk biosolids to the land or placement of bulk biosolids in a surface disposal site when biosolids are likely to adversely affect a threatened or endangered species
A.A.C. R18-9-1002(G)	Incineration of biosolids
A.A.C. R18-9-1003(A)	Use of biosolids, application of biosolids, or placement of biosolids on a surface disposal site in a manner that is not consistent with the applicable biosolids rules
A.A.C. R18-9-1003(C)	Failure to obtain, submit to ADEQ, or maintain the necessary information needed to comply with the applicable biosolids rules
A.A.C. R18-9-1003(E)	Failure to notify a subsequent land owner or lessee of all previous land applications of bulk biosolids and disclose site restrictions in effect when transferring the property
A.A.C. R18-9-1003(F)	Failure of the person who prepared the biosolids to ensure that the applicable requirements are met when the biosolids are applied to the land or placed on a surface disposal site

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1004(B)	Land application of bulk biosolids prior to obtaining written acknowledgment of the request for registration or a supplemental request from ADEQ
A.A.C. R18-9-1004(G)	Failure to file a supplemental request with ADEQ before using a new biosolids application site not already identified in a Request for Registration
A.A.C. R18-9-1005(A)	Application of biosolids with an arsenic concentration that exceeds the ceiling concentration
A.A.C. R18-9-1005(A)	Application of biosolids with a cadmium concentration that exceeds the ceiling concentration
A.A.C. R18-9-1005(A)	Application of biosolids with a chromium concentration that exceeds the ceiling concentration
A.A.C. R18-9-1005(A)	Application of biosolids with a copper concentration that exceeds the ceiling concentration
A.A.C. R18-9-1005(A)	Application of biosolids with a lead concentration that exceeds the ceiling concentration
A.A.C. R18-9-1005(A)	Application of biosolids with a mercury concentration that exceeds the ceiling concentration
A.A.C. R18-9-1005(A)	Application of biosolids with a molybdenum concentration that exceeds the ceiling concentration
A.A.C. R18-9-1005(A)	Application of biosolids with a nickel concentration that exceeds the ceiling concentration
A.A.C. R18-9-1005(A)	Application of biosolids with a selenium concentration that exceeds the ceiling concentration
A.A.C. R18-9-1005(A)	Application of biosolids with a zinc concentration that exceeds the ceiling concentration
A.A.C. R18-9-1005(B)	Application of biosolids sold or given away in a bag or other container, that are not exceptional quality biosolids, in excess of the annual pollutant loading rate for arsenic
A.A.C. R18-9-1005(B)	Application of biosolids sold or given away in a bag or other container, that are not exceptional quality biosolids, in excess of the annual pollutant loading rate for cadmium
A.A.C. R18-9-1005(B)	Application of biosolids sold or given away in a bag or other container, that are not exceptional quality biosolids, in excess of the annual pollutant loading rate for copper
A.A.C. R18-9-1005(B)	Application of biosolids sold or given away in a bag or other container, that are not exceptional quality biosolids, in excess of the annual pollutant loading rate for lead

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1005(B)	Application of biosolids sold or given away in a bag or other container, that are not exceptional quality biosolids, in excess of the annual pollutant loading rate for mercury
A.A.C. R18-9-1005(B)	Application of biosolids sold or given away in a bag or other container, that are not exceptional quality biosolids, in excess of the annual pollutant loading rate for nickel
A.A.C. R18-9-1005(B)	Application of biosolids sold or given away in a bag or other container, that are not exceptional quality biosolids, in excess of the annual pollutant loading rate for selenium
A.A.C. R18-9-1005(B)	Application of biosolids sold or given away in a bag or other container, that are not exceptional quality biosolids, in excess of the annual pollutant loading rate for zinc
A.A.C. R18-9-1005(C)	Application of bulk biosolids that are not exception quality biosolids to a lawn or garden
A.A.C. R18-9-1005(D)(1)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the monthly average pollutant concentration for arsenic
A.A.C. R18-9-1005(D)(1)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the monthly average pollutant concentration for cadmium
A.A.C. R18-9-1005(D)(1)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the monthly average pollutant concentration for copper
A.A.C. R18-9-1005(D)(1)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the monthly average pollutant concentration for lead
A.A.C. R18-9-1005(D)(1)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the monthly average pollutant concentration for mercury
A.A.C. R18-9-1005(D)(1)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the monthly average pollutant concentration for nickel
A.A.C. R18-9-1005(D)(1)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the monthly average pollutant concentration for selenium
A.A.C. R18-9-1005(D)(1)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the monthly average pollutant concentration for zinc
A.A.C. R18-9-1005(D)(2)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the cumulative pollutant loading rate for arsenic
A.A.C. R18-9-1005(D)(2)	Application of bulk biosolids that are not exceptional quality biosolids in excess of the cumulative pollutant loading rate for cadmium

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1005(D)(2)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the cumulative pollutant loading rate for copper
A.A.C. R18-9-1005(D)(2)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the cumulative pollutant loading rate for lead
A.A.C. R18-9-1005(D)(2)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the cumulative pollutant loading rate for mercury
A.A.C. R18-9-1005(D)(2)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the cumulative pollutant loading rate for nickel
A.A.C. R18-9-1005(D)(2)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the cumulative pollutant loading rate for selenium
A.A.C. R18-9-1005(D)(2)	Application of bulk biosolids, that are not exceptional quality biosolids, in excess of the cumulative pollutant loading rate for zinc
A.A.C. R18-9-1006(A)(1)	Failure to ensure that biosolids applied to land meet Class A or Class B pathogen reduction requirements at the time the biosolids are placed on an active sewage sludge unit
A.A.C. R18-9-1006(A)(2)	Failure to ensure that biosolids applied to land meet Class A or Class B pathogen reduction requirements at the time the biosolids are land applied
A.A.C. R18-9-1006(B)	Failure to ensure that biosolids sold or given away in a bag or other container for land application, or that are applied on a lawn or home garden, meet Class A pathogen reduction requirements
A.A.C. R18-9-1007(A)(1)	Application of bulk biosolids that are not exceptional quality biosolids to soil with a pH less than 6.5
A.A.C. R18-9-1007(A)(10)	Application of additional biosolids on a site that has already received biosolids containing nitrogen at the equivalent of the agronomic rate appropriate for that crop, before a crop is grown
A.A.C. R18-9-1007(A)(11)	Exceedance of the irrigation needs of the crop at a biosolids application site
A.A.C. R18-9-1007(A)(12)	Application of bulk biosolids that are not exceptional quality biosolids within 1,000 feet of a dwelling without injecting or incorporating into the soil within 10 hours of being applied
A.A.C. R18-9-1007(A)(13)	Storage of bulk biosolids within 1000 feet of a dwelling without permission from the dwelling owner or lessee
A.A.C. R18-9-1007(A)(2)	Application of bulk biosolids that are not exceptional quality biosolids to land with slopes greater than 6%
A.A.C. R18-9-1007(A)(3)(a)	Application of bulk biosolids with Class A pathogen reduction, that are not exceptional quality biosolids, in an area where depth to groundwater is 5 feet or less

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1007(A)(3)(b)(i)	Application of bulk biosolids with Class B pathogen reduction, that are not exceptional quality biosolids, in an area where depth to groundwater is 10 feet or less
A.A.C. R18-9-1007(A)(3)(b)(ii)	Application of bulk biosolids with Class B pathogen reduction, that are not exceptional quality biosolids, to gravel, coarse or medium sands, or sands with less than 15% coarse fragments, where depth to groundwater is 40 feet or less
A.A.C. R18-9-1007(A)(4)	Application of bulk biosolids that are not exceptional quality biosolids to land that is 32.8 feet or less from navigable waters
A.A.C. R18-9-1007(A)(5)	Storage or application of bulk biosolids that are not exceptional quality biosolids closer than 1000 feet from a public or semi-public drinking water supply well
A.A.C. R18-9-1007(A)(5)	Storage or application of bulk biosolids that are not exceptional quality biosolids closer than 250 feet from a water well
A.A.C. R18-9-1007(A)(6)	Storage or application of bulk biosolids that are not exceptional quality biosolids within 25 feet of a public right-of-way or private property line without receiving permission from the land owner or lessee of the adjoining property
A.A.C. R18-9-1007(A)(7)	Application of bulk biosolids that are not exceptional quality biosolids at an application rate greater than the agronomic rate of the vegetation or crop grown on the site
A.A.C. R18-9-1007(A)(8)	Application of domestic sewage or any other biosolids with less than 10% solids at a rate that exceeds the annual application rate, calculated in gallons per acre for a 365-day period by dividing the amount of nitrogen needed by the crop or vegetation grown on the land, in pounds per acre per 365-day period, by 0.0026
A.A.C. R18-9-1007(A)(9)	Application of bulk biosolids that are not exceptional quality biosolids to land that is flooded, frozen, or snow-covered, so that the bulk biosolids enter a wetland or other navigable waters
A.A.C. R18-9-1007(B)	Failure to distribute a label or information sheet to the person receiving biosolids that have been placed in a bag or other container
A.A.C. R18-9-1007(B)(1)	Failure to include the identity and address of the person who prepared the biosolids on the label or information sheet distributed to the person receiving biosolids in a bag or other container
A.A.C. R18-9-1007(B)(2)	Failure to include instructions on the proper use of the material, including agronomic rates and an annual application rate on the label or information sheet distributed to a person receiving biosolids in a bag or other container
A.A.C. R18-9-1007(B)(3)	Failure to include a statement that application of biosolids to the land shall not exceed application rates described in the instructions on the label or information sheet distributed to a person receiving biosolids in a bag or other container

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1008(A)(1)	Application of bulk biosolids that are not exceptional quality biosolids to land for reclamation when the soil and biosolids mixture does not have a pH of 5.0 or higher immediately after land application
A.A.C. R18-9-1008(A)(10)	Application of more water than necessary to control dust and establish vegetation at reclamation site with bulk biosolids that are not exception quality biosolids
A.A.C. R18-9-1008(A)(11)	Application of bulk biosolids that are not exceptional quality biosolids for reclamation within 1,000 feet of a dwelling without injecting or incorporating into the soil within 10 hours of being applied
A.A.C. R18-9-1008(A)(12)	Storage of bulk biosolids within 1000 feet of a dwelling without permission from the dwelling owner or lessee
A.A.C. R18-9-1008(A)(2)	Application of bulk biosolids that are not exceptional quality biosolids to land for reclamation with slopes greater than 6%
A.A.C. R18-9-1008(A)(3)(a)	Application of bulk biosolids with Class A pathogen reduction that are not exceptional quality biosolids to land for reclamation where depth to groundwater is 5 feet or less
A.A.C. R18-9-1008(A)(3)(b)(i)	Application of bulk biosolids with Class B pathogen reduction, that are not exceptional quality biosolids, to land for reclamation in an area where depth to groundwater is 10 feet or less
A.A.C. R18-9-1008(A)(3)(b)(ii)	Application of bulk biosolids with Class B pathogen reduction, that are not exceptional quality biosolids, for reclamation to gravel, coarse or medium sands, or sands with less than 15% coarse fragments, where depth to groundwater is 40 feet or less
A.A.C. R18-9-1008(A)(4)	Application of bulk biosolids that are not exceptional quality biosolids to land for reclamation that is 32.8 feet or less from navigable waters
A.A.C. R18-9-1008(A)(5)	Storage or application of bulk biosolids that are not exceptional quality biosolids closer than 1000 feet from a public or semi-public drinking water supply well
A.A.C. R18-9-1008(A)(5)	Storage or application of bulk biosolids that are not exceptional quality biosolids closer than 250 feet from a water well
A.A.C. R18-9-1008(A)(6)	Storage or application of bulk biosolids that are not exceptional quality biosolids to land for reclamation within 1000 feet of a public right-of-way or private property line without receiving permission from the land owner or lessee of the adjoining property
A.A.C. R18-9-1008(A)(7)	Application of bulk biosolids that are not exceptional quality biosolids to land for reclamation in excess of 150 dry tons per acre
A.A.C. R18-9-1008(A)(8)	Application of bulk biosolids that are not exceptional quality biosolids with less than 10% solids to land for reclamation
A.A.C. R18-9-1008(A)(9)	Application of bulk biosolids that are not exceptional quality biosolids to land for reclamation that is flooded, frozen, or snow-covered, so that the bulk biosolids enter a wetland or other navigable waters

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1008(B) A.A.C. R18-9-1007(B)	Failure to distribute a label or information sheet to a person receiving biosolids for use at a reclamation site and that have been placed in a bag or other container
A.A.C. R18-9-1008(B) A.A.C. R18-9-1007(B)(1)	Failure to include the identity and address of the person who prepared the biosolids for use at a reclamation site on the label or information sheet distributed to a person receiving biosolids in a bag or other container and used to reclaim a site
A.A.C. R18-9-1008(B) A.A.C. R18-9-1007(B)(2)	Failure to include instructions on the proper use of the material, including agronomic rates and an annual application rate on the label or information sheet distributed to a person receiving biosolids in a bag or other container and used to reclaim a site
A.A.C. R18-9-1008(B) A.A.C. R18-9-1007(B)(3)	Failure to include a statement that application of biosolids to the land shall not exceed application rates described in the instructions on the label or information sheet distributed to a person receiving biosolids in a bag or other container
A.A.C. R18-9-1009(A)(1)(a)	Harvesting of food crop parts that touch biosolids which do not meet Class A pathogen reduction requirements (or a biosolids and soil mixture) but otherwise grow above the land's surface within 14 months following application
A.A.C. R18-9-1009(A)(1)(b)	Harvesting of food crop parts growing in or below the land's surface within 20 months following application when biosolids which do not meet Class A pathogen reduction requirements remained unincorporated on the land's surface for four months or more
A.A.C. R18-9-1009(A)(1)(c)	Harvesting of food crop parts growing in or below the land's surface within 38 months following application when biosolids which do not meet Class A pathogen reduction requirements remain on the land's surface for less than four months before incorporation
A.A.C. R18-9-1009(A)(1)(d)	Harvesting of food, feed, or fiber crops within 30 days after application of biosolids which do not meet Class A pathogen reduction requirements
A.A.C. R18-9-1009(A)(1)(e)	Grazing of animals on land within 30 days after application of biosolids which do not meet Class A pathogen reduction requirements
A.A.C. R18-9-1009(A)(1)(f)	Harvesting of turf to be used at a public contact site or private residence within one year after application of biosolids which do not meet Class A pathogen reduction requirements
A.A.C. R18-9-1009(A)(2)(a)	Failure to restrict public access to public contact sites for one year after application of biosolids which do not meet Class A pathogen reduction requirements
A.A.C. R18-9-1009(A)(2)(b)	Failure to restrict public access to land with a low potential for public exposure for 30 days after application of biosolids which do not meet Class A pathogen reduction requirements

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1009(B)(1) A.A.C. R18-9-1009(A)(1)(a)	Harvesting of food crop parts from an agricultural land, forest or reclamation site that touch domestic septage (or a domestic septage and soil mixture) but otherwise grow above the land's surface within 14 months following application when vector attraction reduction has been accomplished through injection or incorporation
A.A.C. R18-9-1009(B)(1) A.A.C. R18-9-1009(A)(1)(b)	Harvesting of food crop parts growing in or below an agricultural land, forest or reclamation site within 20 months following application when domestic septage remained unincorporated on the land's surface for four months or more when vector attraction reduction has been accomplished through injection or incorporation
A.A.C. R18-9-1009(B)(1) A.A.C. R18-9-1009(A)(1)(c)	Harvesting of food crop parts from an agricultural land, forest or reclamation site growing in or below the land's surface within 38 months following application, when domestic septage remains on the land's surface for less than four months before incorporation (when vector attraction reduction has been accomplished through injection or incorporation)
A.A.C. R18-9-1009(B)(1) A.A.C. R18-9-1009(A)(1)(d)	Harvesting of food, feed, or fiber crops from an agricultural land, forest or reclamation site within 30 days after application of domestic septage when vector attraction reduction has been accomplished through injection or incorporation
A.A.C. R18-9-1009(B)(1) A.A.C. R18-9-1009(A)(1)(e)	Grazing of animals on agricultural land, forest or reclamation site within 30 days after application of domestic septage when vector attraction reduction has been accomplished through injection or incorporation
A.A.C. R18-9-1009(B)(1) A.A.C. R18-9-1009(A)(1)(f)	Harvesting of turf from an agricultural land, forest or reclamation site to be used at a public contact site or private residence within one year after application of domestic septage when vector attraction reduction has been accomplished through injection or incorporation
A.A.C. R18-9-1009(B)(1) A.A.C. R18-9-1009(A)(2)(a)	Failure to restrict public access to public contact sites from an agricultural land, forest or reclamation site for one year after application of domestic septage when vector attraction reduction has been accomplished through injection or incorporation
A.A.C. R18-9-1009(B)(1) A.A.C. R18-9-1009(A)(2)(b)	Failure to restrict public access to an agricultural land, forest or reclamation site land with a low potential for public exposure for 30 days after application of domestic sewage when vector attraction reduction has been accomplished through injection or incorporation
A.A.C. R18-9-1009(B)(2) A.A.C. R18-9-1009(A)(1)(a)	Harvesting of food crop parts from an agricultural land, forest or reclamation site that touch domestic septage (or a domestic septage and soil mixture) but otherwise grow above the land's surface within 14 months following application when vector attraction reduction has been accomplished by adjusting pH

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1009(B)(2) A.A.C. R18-9-1009(A)(1)(b)	Harvesting of food crop parts growing in or below an agricultural land, forest or reclamation site within 20 months following application when domestic septage remained unincorporated on the land's surface for four months or more when vector attraction reduction has been accomplished by adjusting pH
A.A.C. R18-9-1009(B)(2) A.A.C. R18-9-1009(A)(1)(c)	Harvesting of food crop parts from an agricultural land, forest or reclamation site growing in or below the land's surface within 38 months following application when domestic septage remains on the land's surface for less than four months before incorporation when vector attraction reduction has been accomplished by adjusting pH
A.A.C. R18-9-1009(B)(2) A.A.C. R18-9-1009(A)(1)(d)	Harvesting of food, feed, or fiber crops from an agricultural land, forest or reclamation site within 30 days after application of domestic septage when vector attraction reduction has been accomplished by adjusting pH
A.A.C. R18-9-1009(C)(1)	Failure to provide a land owner or lessee with the cumulative pollutant loading at a site with greater than or equal to 90% of the available site capacity after completing the application of biosolids
A.A.C. R18-9-1009(C)(2)	Failure to provide a land owner or lessee with a site restriction that applies to the property and nature of the restriction after completing the application of biosolids
A.A.C. R18-9-1009(C)(3)	Failure to provide a land owner or lessee with the proper signature and statement from a responsible official of the applicator after completing the application of biosolids
A.A.C. R18-9-1009(D)	Failure to provide a biosolids applicator with a signature indicating receipt of a site restriction statement
A.A.C. R18-9-1010(A)	Failure to use an appropriate vector attraction reduction procedure listed in rule for biosolids that are land-applied
A.A.C. R18-9-1010(B)	Failure to use an appropriate vector attraction reduction procedure for biosolids that are sold or given away in a bag or other container, or are applied to a lawn or home garden
A.A.C. R18-9-1011(A)	Failure to use a covered truck, trailer, rail-car, or other vehicle that is leak-proof for the transportation of bulk biosolids into or within Arizona
A.A.C. R18-9-1011(B) A.A.C. R18-13-310(B)	Failure to immediately pick up and return to the vehicle or container, a spill of transported bulk biosolids in solid form
A.A.C. R18-9-1011(B) A.A.C. R18-13-310(C)	Failure to ensure that a vehicle used to transport bulk biosolids in solid form is of such construction as to prevent leakage or spillage and provides a cover to prevent blowing of materials or creating a nuisance
A.A.C. R18-9-1011(B) A.A.C. R18-8-612(A)	Transportation of bulk biosolids in a manner that is not sanitary or which endangers the public health or creates a nuisance

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1011(B) A.A.C. R18-8-612(C)	Failure to carefully cleanup and immediately disinfect any area where bulk biosolids in liquid or semisolid form have been dropped or spilled during collection
A.A.C. R18-9-1011(D)(1)	Failure to immediately pick up biosolids spilled while being transported, including any visibly discolored soil
A.A.C. R18-9-1011(D)(2)	Failure to notify ADEQ within 24 hours after a spill of bulk biosolids while being transported
A.A.C. R18-9-1011(D)(2)	Failure to submit written notification to ADEQ within seven days after a spill of bulk biosolids while being transported
A.A.C. R18-9-1011(D)(2)	Failure to include the location of a spill, the reason it occurred, the amount of biosolids spilled, and the steps taken to clean up the spill in a written notification of a spill of bulk biosolids while being transported
A.A.C. R18-9-1012(A)	Failure to conduct self-monitoring for pollutants, pathogen reduction and/or vector attraction reduction requirements, at least once per year for the preparation of less than 290 metric tons of biosolids in a 365-day period
A.A.C. R18-9-1012(A)	Failure to conduct self-monitoring for pollutants, pathogen reduction and/or vector attraction reduction requirements, at least once per quarter for the preparation of between 290 and 1,500 metric tons of biosolids in a 365-day period
A.A.C. R18-9-1012(A)	Failure to conduct self-monitoring for pollutants, pathogen reduction and/or vector attraction reduction requirements, at least once per 60 days for the preparation of between 1,500 and 15,000 metric tons of biosolids in a 365-day period
A.A.C. R18-9-1012(A)	Failure to conduct self-monitoring for pollutants, pathogen reduction and/or vector attraction reduction requirements, at least once per month for the preparation of more than 15,000 metric tons of biosolids in a 365-day period
A.A.C. R18-9-1012(B)	Failure to sample stockpiled or lagooned biosolids for pathogen and/or vector attraction reduction before land application
A.A.C. R18-9-1012(B)	Failure to sample stockpiled or lagooned biosolids in a manner that is representative of the entire stockpile or lagoon
A.A.C. R18-9-1012(C)	Failure to submit to ADEQ all biosolids samples collected and analyzed during the reporting period, including those collected in addition to those required
A.A.C. R18-9-1012(D)	Failure to collect and analyze biosolids samples to measure additional pollutants of concern as ordered by ADEQ
A.A.C. R18-9-1012(E)	Failure to obtain biosolids samples in a manner that does not compromise the integrity of the sample, sample method, or sampling instrument

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1012(E)	Failure to obtain biosolids samples in a manner that is representative of the quality of the biosolids being applied during the reporting period
A.A.C. R18-9-1012(F)	Failure to track biosolids samples using a chain-of-custody procedure that documents each person in control of the sample from the time it was collected through the time of analysis
A.A.C. R18-9-1012(G)	Failure to ensure that biosolids samples are analyzed as specified by an established analytical method
A.A.C. R18-9-1012(G)	Failure to ensure that analyses of biosolids samples are performed at a laboratory operating in compliance with state law
A.A.C. R18-9-1012(H)	Failure to monitor biosolids pathogen and vector attraction reduction treatment operating parameters, such as time and temperature, on a continual basis
A.A.C. R18-9-1012(I)	Failure to conduct and record monitoring of each site for the biosolids management practices established in rule
A.A.C. R18-9-1012(J)	Failure to maintain and/or report to ADEQ all biosolids compliance measurements, including the analysis of pollutant concentrations
A.A.C. R18-9-1014(A)	Failure to provide a biosolids applicator with information necessary to comply with the applicable biosolids rules, including regulated pollutant and nitrogen concentrations
A.A.C. R18-9-1014(B)	Failure to report to ADEQ a biosolids spill occurring during transportation
A.A.C. R18-9-1014(C)	Failure to provide a land owner and/or lessee of a non-exception quality bulk biosolids land application site with information on the pollutant concentrations and loading rates of biosolids applied to that site, and/or any applicable site restrictions
A.A.C. R18-9-1014(D)	Failure to report to ADEQ when 90% or more of a cumulative pollutant loading rate has been used at a site where non-exceptional quality biosolids have been applied
A.A.C. R18-9-1014(E)(1)	Failure to report to ADEQ by February 19, the actual sites used for the application of non-exceptional quality biosolids in the previous calendar year
A.A.C. R18-9-1014(E)(2)(a)	Failure to report to ADEQ by February 19, the amount of biosolids applied at a site used for the application of non-exceptional quality bulk biosolids in the previous calendar year
A.A.C. R18-9-1014(E)(2)(b)	Failure to report to ADEQ by February 19, the application loading rates for a site used in the application of non-exceptional quality bulk biosolids in the previous calendar year
A.A.C. R18-9-1014(E)(2)(c)	Failure to report to ADEQ by February 19, the pollutant concentrations at a site used for the application of non-exceptional quality bulk biosolids in the previous calendar year

CITATION	DESCRIPTION OF MAJOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1014(E)(2)(d)	Failure to report to ADEQ by February 19, the pathogen treatment methodologies used during the year and the results for a site used in the application of non-exceptional quality bulk biosolids in the previous calendar year
A.A.C. R18-9-1014(E)(2)(e)	Failure to report to ADEQ by February 19, the vector attraction reduction methodologies used during the year and the results for a site used in the application of non-exceptional quality bulk biosolids in the previous calendar year
A.A.C. R18-9-1014(F)(1)	Failure to report to ADEQ by February 19, the amount of biosolids received for the preparation of biosolids for land application in the previous calendar year
A.A.C. R18-9-1014(F)(2)	Failure to report to ADEQ by February 19, the amount of biosolids prepared for land application during the previous calendar year
A.A.C. R18-9-1014(F)(3)	Failure to report to ADEQ by February 19, the amount of biosolids prepared for land application and distributed in the previous calendar year
A.A.C. R18-9-1014(F)(4)	Failure to report to ADEQ by February 19, the pollutant concentrations in biosolids prepared for land application in the previous calendar year
A.A.C. R18-9-1014(F)(5)	Failure to report to ADEQ by February 19, the pathogen treatment methodologies used during previous calendar year for the preparation of biosolids for land application, including the results
A.A.C. R18-9-1014(F)(6)	Failure to report to ADEQ by February 19, the vector attraction reduction methodologies used during previous calendar year for the preparation of biosolids for land application, including the results
A.A.C. R18-9-1014(G)	Failure to include a certification statement, signed by a responsible official, with a required biosolids self-monitoring report
A.A.C. R18-9-1015(1)	Failure to allow ADEQ to enter a vector treatment facility to perform a compliance inspection
A.A.C. R18-9-1015(1)	Failure to allow ADEQ to inspect a biosolids transportation vehicle to determine compliance
A.A.C. R18-9-1015(1)	Failure to allow ADEQ to enter a biosolids land application site to perform a compliance inspection
A.A.C. R18-9-1015(2)	Failure to allow ADEQ to inspect and/or copy records prepared in accordance with the applicable biosolids requirements
A.A.C. R18-9-1015(3)	Failure to allow ADEQ to sample the quality of biosolids

APPENDIX L23

BIOSOLIDS MINOR VIOLATIONS

CITATION	DESCRIPTION OF MINOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.27(a)(2)(i)	Failure of the owner/operator of a surface disposal site to develop and retain for five years, the concentration of each regulated pollutant for a sewage sludge (other than domestic septage) placed on a surface disposal site
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.27(a)(1)(i)	Failure of the person who prepares the sewage sludge to develop and retain for five years, the concentration of each regulated pollutant in sewage sludge (other than domestic septage) placed on an active sewage sludge unit
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.27(a)(1)(ii)	Failure of the person who prepares the sewage sludge to develop and retain for five years, the required certification statement for sewage sludge (other than domestic septage) placed on an active sewage sludge unit
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.27(a)(1)(iii)	Failure of the person who prepares the sewage sludge to develop and retain for five years, a description of how the pathogen requirements have been met for sewage sludge (other than domestic septage) placed on an active sewage sludge unit
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.27(a)(1)(iv)	Failure of the person who prepares the sewage sludge to develop and retain for five years, a description of how the vector attraction reduction requirements have been met for sewage sludge (other than domestic septage) placed on an active sewage sludge unit
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.27(a)(2)(ii)	Failure the owner/operator of a surface disposal site to develop and retain for five years, the required certification statement for sewage sludge (other than domestic septage) placed on a surface disposal site
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.27(a)(2)(iii)	Failure the owner/operator of a surface disposal site to develop and retain for five years, a description of how the best management practices have been met for sewage sludge (other than domestic septage) placed on a surface disposal site
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.27(a)(2)(iv)	Failure the owner/operator of a surface disposal site to develop and retain for five years, a description of how the vector attraction reduction requirements have been met for sewage sludge (other than domestic septage) placed on a surface disposal site
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.27(b)(1)(i)	Failure of the person who places the domestic septage on the surface disposal site to develop and maintain for five years, the required certification statement when domestic septage is placed on a surface disposal site and the vector attraction reduction requirements are met
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.27(b)(1)(ii)	Failure of the person who places the domestic septage on the surface disposal site to develop and maintain for five years, a description of how the vector attraction reduction requirements are met when domestic septage is placed on a surface disposal site and the vector attraction reduction requirements are met

CITATION	DESCRIPTION OF MINOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.27(b)(1)(iii)	Failure of the owner/operator of a surface disposal site to develop and maintain for five years, a description of how the vector attraction reduction requirements are met when domestic septage is placed on a surface disposal site and the vector attraction reduction requirements are met
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.27(b)(2)(i)	Failure of the owner/operator of a surface disposal site to develop and maintain for five years, the required certification statement when domestic septage is placed on a surface disposal site
A.A.C. R18-9-1002(E)(1) 40 CFR § 503.27(b)(2)(ii)	Failure of the owner/operator of a surface disposal site to develop and maintain for five years, a description of how the management practices are met when domestic septage is placed on a surface disposal site
A.A.C. R18-9-1003(D)	Receipt of bulk biosolids without prior written confirmation of the filing of a Request for Registration
A.A.C. R18-9-1011(B) A.A.C. R18-13-310(A)	Failure to ensure that a vehicle used to transport bulk biosolids in solid form has a covered, watertight, metal body of easily cleanable construction
A.A.C. R18-9-1011(B) A.A.C. R18-13-310(A)	Failure to ensure that a vehicle used to transport bulk biosolids in solid form is cleaned frequently to prevent a nuisance or insect breeding
A.A.C. R18-9-1011(B) A.A.C. R18-13-310(A)	Failure to ensure that a vehicle used to transport bulk biosolids in solid form is maintained in good repair
A.A.C. R18-9-1011(B) A.A.C. R18-13-310(B)	Failure to ensure that a vehicle used to transport bulk biosolids in solid form is loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom
A.A.C. R18-9-1011(B) A.A.C. R18-8-612(B)	Failure to equip a vehicle used for collection and transportation of bulk biosolids in liquid or semisolid form with a leak-proof and fly-tight container having a capacity of not less than 750 gallons.
A.A.C. R18-9-1011(B) A.A.C. R18-8-612(B)	Failure to store portable containers, pumps, hoses, tools, or other implements used in the transportation of bulk biosolids in liquid or semisolid form in a covered and fly-tight enclosure when not in use
A.A.C. R18-9-1011(B) A.A.C. R18-8-612(C)	Failure to transfer bulk biosolids in liquid or semisolid form as quickly as possible after removal by means of portable fly-tight containers or suitable suction pump and hose to the transportation container.
A.A.C. R18-9-1011(B) A.A.C. R18-8-612(C)	Failure to tightly close and make absolutely fly-tight a container used to transport bulk biosolids in liquid or semisolid form immediately after the contents have been transferred
A.A.C. R18-9-1011(B) A.A.C. R18-8-612(C)	Failure to keep portable containers used to transport bulk biosolids in liquid or semisolid form fly-tight while being transported to and from the vehicles.
A.A.C. R18-9-1011(B) A.A.C. R18-8-612(D)	Failure to maintain in good repair all vehicles, tools, or equipment used to transport bulk biosolids in liquid or semisolid form

CITATION	DESCRIPTION OF MINOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1011(B) A.A.C. R18-8-612(D)	Failure to clean and disinfect all portable containers, transportation containers, suction pumps, hoses, or other tools used in the transportation of bulk biosolids in liquid or semisolid form at the end of each day's work
A.A.C. R18-9-1011(B) A.A.C. R18-8-612(E)	Failure to dispose of collected bulk biosolids in liquid or semisolid form in accordance with recommendations of the local county health department
A.A.C. R18-9-1011(B) A.A.C. R18-8-612(E)	Change in the recommended method of disposal of collected bulk biosolids in liquid or semisolid form without prior approval by the local health department
A.A.C. R18-9-1011(C)	Failure to clean a truck, trailer, rail-car, or other vehicle used to transport biosolids to prevent odors or insect breeding
A.A.C. R18-9-1011(C)	Failure to clean a tank vessel used to transport commercial or industrial septage, or restaurant grease-trap wastes, which is used to haul domestic septage, before loading the domestic septage to ensure that mixing of wastes does not occur.
A.A.C. R18-9-1013(A)(1)	Failure to collect and retain the date, time, and method used for each biosolids sampling activity and the identity of the person collecting the sample for at least five years
A.A.C. R18-9-1013(A)(2)	Failure to collect and retain the date, time, and method used for each biosolids sample analysis and the identity of the person conducting the analysis for at least five years
A.A.C. R18-9-1013(A)(3)	Failure to collect and retain the results of all analyses of regulated biosolids pollutants, and organic and ammonium nitrogen for at least five years
A.A.C. R18-9-1013(A)(4)	Failure to collect and retain the results of all pathogen density analyses and applicable descriptions of the methods used for pathogen treatment for at least five years
A.A.C. R18-9-1013(A)(5)	Failure to collect and retain a description of the methods used, if any, and the operating values and ranges observed in any biosolids pre-land application, vector attraction reduction activities for at least five years
A.A.C. R18-9-1013(A)(6)	Failure to collect and retain a certification statement, signed by a responsible official of the person who prepares the biosolids, with the required biosolids preparation records for at least five years
A.A.C. R18-9-1013(B)(1)	Failure to collect and retain for at least five years, the location, by either street address or latitude and longitude, of a non-exceptional quality bulk biosolids land application site
A.A.C. R18-9-1013(B)(10)	Failure to collect and retain for at least five years, a description of any applicable site restrictions and documentation that the applicator has notified the land owner and lessee of these restrictions for a non-exceptional quality bulk biosolids land application site (when biosolids with Class B pathogen reduction have been applied)

CITATION	DESCRIPTION OF MINOR VIOLATION - BIOSOLIDS
A.A.C. R18-9-1013(B)(11)	Failure to collect and retain for at least five years, a certification statement, signed by a responsible official of the applicator of the biosolids, with the required biosolids application records for a non-exceptional quality bulk biosolids land application site
A.A.C. R18-9-1013(B)(12)	Failure to collect and retain for at least five years, the required biosolids preparation records for a non-exceptional quality bulk biosolids land application site when the person who prepares the biosolids is not located in Arizona
A.A.C. R18-9-1013(B)(2)	Failure to collect and retain for at least five years, the number of acres or hectares of a non-exceptional quality bulk biosolids land application site
A.A.C. R18-9-1013(B)(3)	Failure to collect and retain for at least five years, the date and time biosolids were applied at a non-exceptional quality bulk biosolids land application site
A.A.C. R18-9-1013(B)(4)	Failure to collect and retain for at least five years, the amount of biosolids applied at a non-exceptional quality bulk biosolids land application site
A.A.C. R18-9-1013(B)(5)	Failure to collect and retain for at least five years, the biosolids loading rates for a non-exceptional quality bulk biosolids land application site
A.A.C. R18-9-1013(B)(6)	Failure to collect and retain permanently the cumulative pollutant levels of each regulated pollutant for a non-exceptional quality bulk biosolids land application site
A.A.C. R18-9-1013(B)(7)	Failure to collect and retain for at least five years, the results of all pathogen density analyses and applicable descriptions of the methods used for pathogen treatment for a non-exceptional quality bulk biosolids land application site
A.A.C. R18-9-1013(B)(8)	Failure to collect and retain for at least five years, a description of the activities and measures used to ensure compliance with the biosolids management practices, including information regarding the amount of nitrogen required for the crop grown, for a non-exceptional quality bulk biosolids land application site
A.A.C. R18-9-1013(B)(9)	Failure to collect and retain for at least five years, a description of the vector attraction reduction activities used by the applicator at a non-exceptional quality bulk biosolids land application site (when vector attraction reduction was not met by the person who prepared the biosolids)

APPENDIX L24

ENVIRONMENTAL NUISANCE CONDITIONS

CITATION	DESCRIPTION OF ENVIRONMENTAL NUISANCE CONDITION
A.R.S. ' 49-141(A)	Maintenance of a condition in the soil, air or water that causes or threatens to cause harm to the public health or the environment
A.R.S. ' 49-141(A)(1)	Maintenance of a condition or place in a populous area which constitutes a breeding place for flies, rodents, mosquitos or other insects which are capable of carrying and transmitting disease-causing organisms to any person or persons
A.R.S. ' 49-141(A)(2)	Failure of a governmental agency, state or local to maintain a place, condition or building in a sanitary condition
A.R.S. ' 49-141(A)(3)	Depositing, storing, discharging, or exposing sewage, human excreta, wastewater, garbage or other organic wastes so as to be a potential instrument or medium in the transmission of disease to or between any person or persons
A.R.S. ' 49-141(A)(4)	Leakage or spillage of the contents from a defective vehicle or container used in the transportation of garbage or human excreta
A.R.S. ' 49-141(A)(5)	Maintenance of an overflowing septic tank or cesspool, the contents of which may be accessible to flies

APPENDIX L25

OPERATOR CERTIFICATION MAJOR VIOLATIONS

CITATION	DESCRIPTION OF MAJOR VIOLATION-OPERATOR CERTIFICATION
A.A.C. R18-5-109(B)(1)	Operation of a facility in a manner that violates federal or state law
A.A.C. R18-5-109(B)(2)	Negligent supervision of the operation of a facility
A.A.C. R18-5-109(B)(3)	Failure to comply with an ADEQ order or Consent Decree
A.A.C. R18-5-109(B)(4)	Obtaining an operator certificate by fraud, deceit, or misrepresentation
A.A.C. R18-5-109(B)(5)	Knowing preparation of a false or fraudulent report or record regarding the operation or management of a facility
A.A.C. R18-5-109(B)(6)	Operation of a facility in a manner which endangers the public health, safety, or welfare

APPENDIX M1

ADEQ ACTIVITIES EXEMPT FROM INSPECTION PROCEDURES

- Technical or Compliance Assistance Visits, including site specific pollution prevention activities
- Meetings to Negotiate Permits, Enforcement Actions or Property Access Site visits for Employee Training or "Open House" Tours
- Rule, Policy and Guidance Development Meetings
- Professional Meetings and Conferences
- Community Outreach/Education Activities
- Enforcement Follow-up Visits which are part of an original inspection including site visits to determine whether deficiencies have been corrected pursuant to A.R.S. § 41-1009.F and-split sampling to determine that remediation has been completed
- WQARF Liability Allocation Meetings
- Pollution Prevention Partnership Meetings
- Site Visits for Voluntary Remediation
- Site Visits for Risk Assessment Development
- Site Visits related to Pollution Prevention Plans
- Site Visits to Oversee Grant Expenditures (e.g., Recycling)
- Emergency Response, Assessment/Containment/Removal Activities
- Observing site investigation activities relating to WQARF and LUST remedial projects
- Technical Assistance Visits by the Hydrologic Support and Assessment Section, or any successor section, for purposes of providing guidance to other ADEQ programs or the regulated community, for conducting bioassessment sampling
- Site visits by the Hydrologic Support and Assessment Section, or any successor section, for purposes of collecting surface or groundwater, soil sediment or biological samples to be analyzed for exceedances of applicable standards where the site visit is not being conducted for compliance/enforcement purposes and/or is not associated with a regularly scheduled inspection
- Samples collected by the Hydrologic Support and Assessment Section, or any successor section, for the purpose of general chemical, physical or biological assessment of a surface water body to meet the requirements of Section 305(b) of the Clean Water Act
- Monitoring sampling activities conducted by the Hydrologic Support and Assessment Section, or any successor section, pursuant to the Pesticide Contamination Prevention Program, A.R.S. § 49-307-08, and A.R.S. § 49-225, the Ambient Water Monitoring Program.

APPENDIX M2

ARIZONA'S ADMINISTRATIVE/CIVIL/CRIMINAL ENVIRONMENTAL ENFORCEMENT AUTHORITIES

Program	Administrative Order Authority	Administrative Order Violation Penalty Authority (Maximum)	Civil Injunction Authority	Civil Penalty Authority (Maximum)	Administrative Penalty Authority (Maximum)	Criminal Sanctions	Suspension or Revocation Authority
Air Quality (Ag. General Permit)	A.R.S. § 49-457(I) A.R.S. § 49-457(J)	None	None	None	None	None	A.R.S. § 49-457(K)
Air Quality (Monitoring)	A.R.S. § 49-422(C)	A.R.S. § 49-463 $10,000/day/violation	A.R.S. § 49-462 (order enforcement)	A.R.S. § 49-463(A) $10,000/day/violation	None	A.R.S. § 49-464	N/A
Air Quality (Generally)	A.R.S. § 49-461	A.R.S. § 49-463 $10,000/day/violation	A.R.S. § 49-462	A.R.S. § 49-463(A) $10,000/day/violation	None	A.R.S. § 49-464	Specified in Permit
Air Quality (Conditional Order)	None	None	None	None	None	None	A.R.S. § 49-441
Disclosure of Violations Certificate	A.R.S. § 49-110(A)	A.R.S. § 49-110(E) $1,000/day/violation up to $25,000	None	None	None	None	N/A
Drinking Water	A.R.S. § 49-354(B)	None	A.R.S. § 49-354(H)	A.R.S. § 49-354(G) $500/day/violation	A.R.S. § 49-354(C) varies by system size	A.R.S. § 49-354(A)	N/A
Dry Wells	A.R.S. § 49-334(A)	None	A.R.S. § 49-334(B)	None	None	None	N/A
Dry Wells (Driller Licence)	None	None	None	None	None	None	A.R.S. § 49-333(D)
Greenfields (No Further Action)	None	None	None	None	None	None	A.R.S. § 49-155(D)
Hazardous Waste	A.R.S. § 49-923(A)	A.R.S. § 49-923(B) A.R.S. § 49-924 $25,000/day/violation	A.R.S. § 49-923(D)	A.R.S. § 49-924 $25,000/day/violation	A.R.S. § 49-923(B) $1,000/day/violation (order violations)	A.R.S. § 49-925	A.R.S. § 49-924(C)
Lead Acid Batteries	A.R.S. § 44-1324 A.R.S. § 49-142(A)	None	A.R.S. § 44-1324 A.R.S. § 49-142(C)	A.R.S. § 44-1324 $500/violation	None	None	N/A
Medical Waste	A.R.S. § 49-781	A.R.S. § 49-783(B) $1,000/day/violation to $15,000/violation	A.R.S. § 49-783(A)	A.R.S. § 49-768 $10,000/day/violation	None	A.R.S. § 49-791	N/A
Nuisance	A.R.S. § 49-142(A)	None	A.R.S. § 49-142(C)	None	None	None	N/A

Program	Administrative Order Authority	Administrative Order Violation Penalty Authority (Maximum)	Civil Injunction Authority	Civil Penalty Authority (Maximum)	Administrative Penalty Authority (Maximum)	Criminal Sanctions	Suspension or Revocation Authority
Operator Certification	None	None	None	None	None	None	A.A.C. R18-5-109
Pesticides	None	None	None	A.R.S. § 49-304(A) $10,000/day/violation	None	None	A.R.S. § 49-309(A)
Pollution Prevention	A.R.S. § 49-964(F)	None	A.R.S. § 49-964(H)	None	None	None	N/A
Remediation Standards Engineering Controls	None	None	A.R.S. § 49-152(I)	None	None	None	N/A
Solid Waste	A.R.S. § 49-781	A.R.S. § 49-783(B) $1,000/day/violation to $15,000/violation	A.R.S. § 49-783(A)	A.R.S. § 49-783 $1,000/day/violation to $15,000/violation	None	A.R.S. § 49-791	A.R.S. § 49-782(A)
Solid Waste (Restrictive Covenant)	None	None	None	None	None	None	A.R.S. § 49-771(B)
Special Waste	A.R.S. § 49-862	A.R.S. § 49-861(B) $10,000/day/violation	A.R.S. § 49-862(B) A.R.S. § 49-862(C)	A.R.S. § 49-861(B) $10,000/day/violation	None	A.R.S. § 49-861(A)	N/A
Used Oil	A.R.S. § 49-812(A)	None	A.R.S. § 49-812(B) A.R.S. § 49-812(C)	A.R.S. § 49-811 $10,000/day/violation	None	A.R.S. § 49-810	N/A
UST	A.R.S. § 49-1013(A)	A.R.S. § 49-1013(B) $25,000/day/violation	A.R.S. § 49-1013(H)	A.R.S. § 49-1013(B) $25,000/day/violation A.R.S. § 49-1013(C) $10,000/day/violation A.R.S. § 49-1013(D) $10,000/day/violation	None	None	N/A
UST (Service Certification)	None	None	None	None	None	None	A.R.S. § 49-1082(D)
VEI	None	None	None	A.R.S. § 49-550(E) varies by history A.R.S. § 49-550(F) varies by history	None	A.R.S. § 49-550(A) A.R.S. § 49-550(B) A.R.S. § 49-550(C) A.R.S. § 49-550(D)	A.R.S. § 49-546(F)

Program	Administrative Order Authority	Administrative Order Violation Penalty Authority (Maximum)	Civil Injunction Authority	Civil Penalty Authority (Maximum)	Administrative Penalty Authority (Maximum)	Criminal Sanctions	Suspension or Revocation Authority
Waste Tires	A.R.S. § 44-1307 A.R.S. § 49-142(A)	None	A.R.S. § 44-1307 A.R.S. § 49-142(C)	A.R.S. § 44-1307 $500/violation (tire)	None	A.R.S. § 44-1304.01	N/A
Water Pollution Control (APP/Standards AZPDES/ Biosolids)	A.R.S. § 49-261	A.R.S. § 49-262(C) $25,000/day/violation	A.R.S. § 49-261 A.R.S. § 49-262(A) A.R.S. § 49-262(B)	A.R.S. § 49-262(C) $25,000/day/violation	None	A.R.S. § 49-263	Specified in Permit (Individual APP) A.R.S. § 49-245(B) (Misc. General APP) A.R.S. § 49-247(G) (Agriculture) A.R.S. § 49-245.01(B) (Storm water) A.R.S. § 49-245.02(B) (Man-made water body) A.A.C. R18-9-B906(C) (AZPDES)
Water Pollution Control (Reuse)	A.R.S. § 49-261	A.R.S. § 49-262(C) $5,000/day/violation	A.R.S. § 49-261 A.R.S. § 49-262(A) A.R.S. § 49-262(B)	A.R.S. § 49-262(C) $5,000/day/violation	None	A.R.S. § 49-263	Specified in Permit
WQARF (Settlement)	None	None	None	None	None	None	A.R.S. § 49-287.05(C)
WQARF (Information Gathering/Access)	A.R.S. § 49-288(E)	A.R.S. § 49-288(G) $5,000/day/violation	A.R.S. § 49-288(F)	A.R.S. § 49-288(G) $5,000/day/violation	None	None	N/A
WQARF (Hazardous Substance Remediation)	A.R.S. § 49-287(E)(3)	A.R.S. § 49-287(J) $5,000/day/violation	A.R.S. § 49-287(E)(2) A.R.S. § 49-287(I)	A.R.S. § 49-287(J) $5,000/day/violation A.R.S. § 49-287(J) treble damages	None	None	N/A
WQARF (Non-Hazardous Substance Mitigation)	A.R.S. § 49-286(A)	None	A.R.S. § 49-286(C) A.R.S. § 49-261	None	None	None	N/A

APPENDIX M3

FILED
DEC 03 1993 9:00am
JUDITH ALLEN, Clerk
By L Muhammad
Deputy

SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY

MICHAEL GREGORY, and SIERRA CLUB, a non-profit corporation, Plaintiffs, v. EDWARD Z. FOX, in his official capacity as Director of the Arizona Department of Environmental Quality, and the ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY, an agency of the State of Arizona, Defendants.	No. CV 93-01458 CONSENT DECREE

Stipulations

The parties stipulate, and the court finds as follows:

1. The plaintiffs in this case are the Sierra Club, a nonprofit corporation, and Michael Gregory. The defendants are Edward Z. Fox in his official capacity as Director of the Arizona Department of Environmental Quality, and the Arizona Department of Environmental Quality. The defendants are collectively referred to herein as "ADEQ."

2. Pursuant to Title 49, Arizona Revised Statutes, ADEQ has various powers and duties with respect to enforcement of Arizona's environmental laws and rules against persons who own and/or operate water pollution facilities. For purposes of this Consent Decree (Decree), the term "water pollution facility" means any land, building, installation, structure, equipment, device, conveyance, area, source, activity, or practice that is regulated under, or subject to any requirements specified in any of the following:

(a) A.A.C. R18-9-701 to -707;

(b) A.A.C. R18-9-801 to -819

(c) A.R.S. § 49-241 to -265 and any rules adopted thereunder;

(d) Provisions in A.A.C. R18-4-101 to -114 that relate to wastewater treatment plants and collection systems;

(e) Any statutes or rules that amend or supersede any of the foregoing;

(f) Any permit or approval issued pursuant to any of the foregoing.

3. This Court has jurisdiction over the subject matter of this action and the parties. The parties will not challenge the Court's jurisdiction to enter and enforce this Decree.

4. The parties agree to entry of this Decree prior to the taking of any testimony, based upon the pleadings herein without any admission of liability or fault as to any allegation or matter arising out of the pleadings or otherwise. Resolution of this matter and entry of this Decree is made in an effort to avoid further litigation, and to promote the public interest.

5. Each undersigned representative of the parties to the Decree certifies that he or she is fully authorized to enter into the terms and conditions of this Decree and to execute and legally bind such party to this Decree.

<u>Order</u>

It is therefore ordered, adjudged, and decreed as follows:

6. The following requirements become effective on and after

May 1, 1994, unless otherwise specified.

Written Enforcement Policy

7. ADEQ will establish and maintain a written compliance and enforcement policy with respect to water pollution facilities.

Compliance Tracking and Notification of Violations

8. ADEQ shall maintain an accurate, readily accessible database that shows the current compliance status of each water pollution facility. Except where otherwise indicated, "compliance" for purposes of this Decree refers to compliance with provisions specified in subparagraphs 2 (a), (b), (c), (d), (e) and (f) above.

9. ADEQ shall maintain up-to-date compliance files on each water pollution facility that contain all compliance related information. Any compliance related documents shall be placed in the relevant compliance file within ten days of receipt or generation by ADEQ.

10. ADEQ shall review all self-monitoring and other compliance-related reports submitted by water pollution facility representatives within 30 days of receipt by ADEQ. If such reports reveal any violation, ADEQ shall within 30 days of receipt send written notice of violation to the facility owner or operator. Except where otherwise indicated, the term "violation" for purposes of this decree refers to any instance of noncompliance with any provision specified in subparagraphs 2(a), (b), (c), (d), (e), and/or (f) above.

11. ADEQ shall establish a reporting tracking system that automatically triggers a finding of non-submittal whenever ADEQ fails to receive a legally required submittal from a water

pollution facility within 15 days of the required submittal date. Within ten days of a finding of non-submittal, ADEQ shall send a written notice of violation or letter of warning to the facility owner or operator.

12. Where an ADEQ inspector discovers a violation in the course of an inspection of a water pollution facility, the inspector shall provide written notice of the violation to a facility representative at the end of the inspection.

13. If an ADEQ inspector identifies a potential violation during an inspection of a water pollution facility, any follow-up research shall be completed within 30 days of the inspection, and if a violation is verified, a written notice of violation shall be sent within 45 days of the inspection.

14. With respect to water pollution facility violations other than those specifically addressed above, ADEQ shall send written notice of violation within 15 days of the date that ADEQ becomes aware of the violation.

15. Every written notification of violation to a water pollution facility shall include the following elements:

a) The factual nature of the violation;

b) The legal authority regarding compliance;

c) A description of what constitutes compliance and how it is to be documented;

d) A time frame in which ADEQ expects compliance to be achieved. Time frames shall require compliance at the earliest possible date. ADEQ staff shall set time frames based upon their estimate of the time realistically required to comply. If the time

frame cannot be met, a consent agreement must be signed within 90 days from the date of the notice of violation. In the event a consent agreement is not signed within 90 days, a unilateral order shall be issued or the case shall be referred to the Attorney General;

e) An offer to meet;

f) A statement of consequences.

16. The stated compliance time frame in a notice of violation to a water pollution facility is a firm limit. Any failure to meet the time frame, even though good faith efforts are being made, will be permitted by ADEQ only in a compliance schedule negotiated in the context of a consent order, consent decree, or plea agreement.

Management of Formal Enforcement Actions

17. ADEQ will diligently and expeditiously prosecute all enforcement actions involving water pollution facilities.

18. ADEQ will issue a unilateral administrative order or pursue judicially imposed injunctive relief and civil penalties if a water pollution facility fails to either comply with a notice of violation or enter into a consent order.

19. ADEQ issuance of a unilateral administrative order or referral of enforcement actions to the Attorney General shall be made in a timely manner and, absent compelling circumstances, within 30 days after a water pollution facility has failed to either comply with a notice of violation or enter into a consent order.

20. After May 1, 1994, ADEQ shall maintain an enforcement docket showing the status of every enforcement action addressing

violations at water pollution facilities. For each such action the docket shall indicate the date filed, nature of relief sought, date set for hearing or trial, and any disposition. This docket shall be kept current and shall be open for public inspection.

21. Within a reasonable time and as resources permit, ADEQ shall establish a cross-media data tracking system that will provide, in one file or database, all current information about a facility's compliance with provisions of Title 49, Arizona Revised Statutes, rules adopted thereunder, and permits and approvals issued thereunder. Such system shall be accessible to the public in accordance with applicable public records laws. No later than May 1, 1994, ADEQ shall provide plaintiffs with a report on ADEQ's progress in establishing the cross-media data tracking system.

22. ADEQ will issue a press release whenever a court enforcement action is filed or administrative order is issued with respect to a violation at a water pollution facility.

Enforcement of this Decree

23. ADEQ shall be deemed in compliance with this Decree if the agency shows diligent and good faith efforts to implement the requirements of paragraphs 6-22 above, and ordinarily complies with those requirements. No single failure by ADEQ to comply with any of the above-specified requirements shall constitute a violation of this Decree. Similarly, no failure by ADEQ to address violations at any single facility in the manner specified in paragraphs 6-22 shall constitute a violation of this decree. However, a pattern of repeated, or frequent noncompliance with any of the requirements of paragraphs 6-22 shall constitute a violation of this decree.

~~paragraphs 6-22 shall constitute a violation of this decree.~~

24. This decree is intended to resolve litigation between the parties, and does not create any rights in persons not parties hereto. Failure by ADEQ to comply with any provision of this Decree shall in no event be a defense or grounds for mitigating any penalty or sentence in any enforcement action brought by ADEQ or the state. Nothing in this Decree shall be construed as precluding ADEQ from pursuing enforcement activities more expeditiously or aggressively than specified herein.

Duration of Decree

25. This decree shall terminate on May 1, 1999, provided, however, that the term of the decree shall automatically be extended by the length of any period of noncompliance by ADEQ as determined by the court.

Jurisdiction Retained

26. The Court retains jurisdiction over this matter for the duration of this decree for the purposes of issuing such further orders or directions as may be necessary or appropriate to construe, effectuate, and enforce the terms of this decree.

ENTERED this 2nd day of December, 1993.

Sherry Hutt

Judge of the Superior Court

HON. SHERRY HUTT

. . . .

. . . .

. . . .

. . . .

The undersigned agree to the foregoing Consent Decree and agree that, upon filing of a motion for entry by the plaintiffs, the Consent Decree may be entered.

Edward Z. Fox, Director
Arizona Department of Environmental Quality
3033 N. Central
Phoenix, Arizona 85012-2809

10/24/93
Date

Beryl I. Dulsky
Assistant Attorney General
1275 W. Washington
Phoenix, Arizona 85007

Counsel for defendants Edward Z. Fox and Arizona Department of Environmental Quality

11/1/93
Date

SIERRA CLUB

By Sharon Galbreath
Sharon Galbreath, Chair
Sierra Club, Grand Canyon Chapter
516 E. Portland
Phoenix, Arizona 85004

11/15/93
Date

Mithael Gregory
P.O. Box 1896
Bisbee, Arizona 85603

10 Nov 93
Date

. . . .

. . . .

11/22/93

David S. Baron
Arizona Center for Law
in the Public Interest
3208 E. Fort Lowell, Suite 106
Tucson, Arizona 85716

Counsel for Plaintiffs Sierra
Club and Michael Gregory

Office Distribution
Jury Fees

DEC 10 1993

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

RECEIVED
DEC 07 '93 DEC 07
Clerk of the Court — Dist. Ct.
CLERK OF THE COURT

December 3, 1993

HON. SHERRY HUTT

L. Muhammad
Deputy

Nº CV93-01458

MICHAEL GREGORY, ET AL.

v.

EDWARD Z. FOX,
ARIZONA DEPARTMENT OF
ENVIRONMENTAL QUALITY

David S. Baron

Attorney General
by Beryl I. Dulsky

IT IS ORDERED APPROVING and SETTLING the formal written Consent Decree signed by the Court December 2, 1993 and FILED herein.

APPENDIX M4

SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY

MICHAEL GREGORY, and SIERRA CLUB, a non-profit corporation, Plaintiffs, v. JACQUELINE E. SCHAFER, in her official capacity as Director of the Arizona Department of Environmental Quality, and the ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY, an agency of the State of Arizona, Defendants.	No. CV93-01458 **FIRST AMENDED CONSENT DECREE**

STIPULATIONS

The Parties stipulate, and the Court finds as follows:

1. The Plaintiffs in this case are the Sierra Club, a nonprofit organization, and Michael Gregory. The original Defendants were Edward Z. Fox in his official capacity as Director of the Arizona Department of Environmental Quality, and the Arizona Department of Environmental Quality ("ADEQ"). Pursuant to A.R.C.P. 25(e), the Plaintiffs and Defendants ("Parties") agree to substitute the current Director of ADEQ, Jacqueline E. Schafer, for defendant Edward Z. Fox. The Defendants are collectively referred to herein as "ADEQ."

2. Pursuant to Title 49, Arizona Revised Statutes, ADEQ has various powers and duties with respect to enforcement of Arizona's environmental laws and rules against persons who own and/or operate Water Pollution Facilities. For purposes of this Consent Decree ("Decree"), the term "Water Pollution Facility" means any land, building, installation, structure, equipment, device, conveyance, area, source, activity, or practice that is regulated under or subject to any requirements identified in A.R.S. §§ 49-241 through 49-265 and 49-361 through 49-365; all ADEQ rules applying to wastewater facilities, sewerage systems, wastewater treatment plants and collection systems, aquifer protection permits and reuse of wastewater; and all statutes and rules that replace or amend

any of the foregoing statutes and rules. This Decree also applies to any permit or approval issued pursuant to the foregoing.

3. This Court has jurisdiction over the subject matter of this action and the Parties. The Parties will not challenge the Court's jurisdiction to enter and enforce this Decree.

4. The Parties agree to entry of this Decree prior to the taking of any testimony, based upon the pleadings herein without any admission of liability or fault as to any allegation or matter arising out of the pleadings or otherwise. Resolution of this matter and entry of this Decree is made in an effort to avoid further litigation, and to promote the public interest.

5. Each undersigned representative of the Parties to the Decree certifies that he or she is fully authorized to enter into the terms and conditions of this Decree and to execute and legally bind such party to this Decree.

6. This Decree supersedes the previous Consent Decree entered in this case on December 2, 1993.

ORDER

It is hereby ordered, adjudged, and decreed as follows:

Written Enforcement Policy

7. Within 60 days of the Effective Date of this Decree, ADEQ shall revise the current ADEQ Compliance and Enforcement Policy dated May 7, 1999 (amended December 11, 1999) (attached to this Decree as Exhibit 1) with respect to Water Pollution Facilities in a manner that is consistent with and no less stringent than this Decree. After that date, ADEQ will provide Plaintiffs' counsel or other designated representative with a copy of any changes to the Compliance and Enforcement Policy, and of any new policy that supersedes this policy, at least 60 days before the changes to the policy or the new policy go into effect. Such Compliance and Enforcement Policy, any changes to the policy, and any new policy that supersedes the Compliance and Enforcement Policy shall be consistent with and no less stringent than the terms of this Decree unless expressly forbidden by state or federal law. Conformity to the terms of this Decree shall be determined by the Court. No later than 60 days after the Effective Date of this Decree, ADEQ shall review all other existing policies relating to Water Pollution Facilities, shall revise such policies to conform to the

terms of this Decree if necessary, and shall inform Plaintiffs' counsel or other designated representative of any such revisions.

Compliance Tracking and Notification of Violations

8. After June 1, 2000, ADEQ shall establish and maintain an accurate, readily accessible database that shows the current compliance and enforcement status of each Water Pollution Facility ("compliance and enforcement database"). Such database shall be accessible to the public in accordance with applicable public records laws. Except where otherwise indicated, "compliance" for purposes of this Decree refers to compliance with the provisions identified in paragraph 2 above. "Enforcement status" for purposes of this Decree means the status of action taken by ADEQ in response to a facility's failure to comply with the provisions identified in paragraph 2 above, including the issuance of a notice of opportunity to correct, notice of violation, compliance order, consent order, consent judgment, or judgment, and the date of the action taken. "Enforcement status" does not include referral to the Attorney General until an enforcement case is closed. Within 30 days after an enforcement case is closed, ADEQ shall indicate in the compliance and enforcement database the date of referral of the case to the Attorney General (if any), and the date of and reason for closure.

9. The Parties disagree as to whether or not the fact and date of referral of an enforcement case to the Attorney General, and any documents, materials and information relating to the fact and date of such referral, are subject to the attorney-client privilege. In an effort to resolve this dispute without further litigation, the Parties agree to submit to an *in camera* review process concerning ADEQ's compliance with the terms of this Decree governing referral of enforcement cases to the Attorney General. If Plaintiffs have reasonable cause to believe ADEQ has violated or is violating the referral requirements of this Decree, Plaintiffs may file a motion with the Court that sets forth the basis for Plaintiffs' belief, identifies the enforcement case or cases at issue (including the name of the facility), and requests an *in camera* review by the Court of all documents, materials and other information that relate to compliance or noncompliance with the referral requirements of this Decree, including but not limited to any documents, materials and information claimed by ADEQ to be attorney-client privileged. "Reasonable cause" includes, but is not limited to, the

occurrence of an event in an enforcement case that requires referral to the Attorney General under the Decree, in conjunction with the absence of a press release or other public document or information indicating that a court enforcement action has been filed by the Attorney General with respect to the enforcement case at issue. Plaintiffs shall provide ADEQ with at least 15 days' written notice of their intent to file such a motion. If the Court finds that reasonable cause exists, it shall order the submission to the Court by ADEQ of all documents, materials and information that relate to compliance or noncompliance with the referral requirements of this Decree with respect to the enforcement case identified. The Court shall examine the submitted materials, make a determination as to whether or not ADEQ violated the Decree's referral requirements, and issue its findings in writing. If the Court determines that ADEQ has violated the referral requirements of this Decree, it may sanction ADEQ in any appropriate manner, including ordering the release to Plaintiffs of all documents, materials and other information related to compliance or noncompliance with the referral requirements of this Decree, regardless of whether ADEQ claims the documents, materials and other information are protected by the attorney-client privilege.

10. ADEQ shall maintain up-to-date compliance and enforcement files on each Water Pollution Facility that contain all compliance and enforcement related information. Copies of any compliance or enforcement related documents shall be placed in the relevant file within 30 days of receipt or generation by ADEQ, and any compliance or enforcement related information shall be entered into the compliance and enforcement database within 30 days of receipt or generation. Each regional office of ADEQ shall have available to it complete and up-to-date files on the Water Pollution Facilities within its jurisdiction.

11. ADEQ shall retain the compliance and enforcement files of Water Pollution Facilities that are currently permitted and/or licensed, and all documents, materials and information contained therein, for a minimum of three years. The State of Arizona shall retain the compliance and enforcement files of facilities whose licenses and/or permits have expired or have been revoked, and all documents, materials and information contained therein, for a minimum of an additional seven years.

12. ADEQ shall review all self-monitoring and other compliance-related reports submitted by Water Pollution Facility representatives and enter the information contained in such reports into the compliance and enforcement database within 30 days of receipt by ADEQ. If such reports reveal any violation constituting Significant Non-Compliance, ADEQ shall, within 60 days of the required submittal date, send a written notice of violation to the facility owner or operator. Except where otherwise indicated, the term "violation" for purposes of this Decree refers to any instance of Significant Non-Compliance with any provision identified in paragraph 2 above. For purposes of this Decree, the term "Significant Non-Compliance" ("SNC") means those violations identified as SNC in ADEQ's Water Quality Enforcement Escalation Policy dated June 10, 1998, attached as Exhibit 2 to this Decree and in the amendments to this policy, which are attached as Exhibit 3. Within 60 days of the Effective Date, ADEQ will amend its Water Quality Enforcement Escalation Policy to reflect the changes set forth in Exhibit 3.

13. Upon the effective date of this Decree, ADEQ shall establish a computerized reporting tracking system that automatically triggers a finding of non-submittal whenever ADEQ fails to receive a legally required submittal from a water pollution facility within 30 days of the required submittal date. Within 30 days of a finding of non-submittal, ADEQ shall send a written notice of violation to the facility.

14. Where ADEQ discovers a violation or potential violation in the course of an inspection of a Water Pollution Facility, ADEQ shall provide a copy of the inspection report to the facility representative at the time of the inspection, within 30 working days after the inspection or as otherwise required by federal law. The inspection report shall set forth all violations or potential violations identified during the inspection.

15. If ADEQ identifies a violation constituting SNC during an inspection of a Water Pollution Facility, including an inspection conducted during a complaint investigation, ADEQ shall send a written notice of violation to the facility within 45 days of the inspection.

16. Notwithstanding the other requirements of this Decree, if ADEQ discovers a violation relating solely to the operation and/or maintenance of physical facilities in the course of an inspection, ADEQ may provide the Water Pollution Facility with an opportunity to correct the

violation without issuing a notice of violation unless the violation:

a) Is committed intentionally;

b) Is not correctable within a reasonable amount of time as determined by ADEQ;

c) Evidences a pattern of noncompliance; or

d) Presents a condition that is hazardous to any person, the public health, safety or welfare or the environment.

If ADEQ provides a Water Pollution Facility with an opportunity to correct a violation discovered during an inspection, ADEQ shall issue a notice of opportunity to correct to the facility within 45 days after the inspection. The notice shall specify a deadline by which the violation must be corrected, which shall not exceed 6 months after issuance of the notice of opportunity to correct, and shall indicate that the facility must submit documentation of compliance to ADEQ on or before the deadline demonstrating that the violation has been corrected to avoid further inspection or enforcement action. Within 30 days of receipt of documentation of compliance from the facility, ADEQ shall examine the documentation to determine whether or not the facility has corrected the violation and notify the facility of its determination in writing. If a facility fails to submit documentation of compliance to ADEQ on or before the deadline specified in the notice of opportunity to correct, or if ADEQ determines that the documentation submitted by the facility does not demonstrate compliance, then within 6 months of the original inspection date, ADEQ shall conduct a follow-up inspection of the facility to determine whether the facility has corrected the violation. If the facility submits documentation of compliance after the required submittal date but before the follow-up inspection occurs, ADEQ may cancel the inspection upon a determination that the documentation demonstrates correction of the violation. If, during a follow-up inspection, ADEQ determines that a facility has failed to correct a violation after being given an opportunity to do so, ADEQ shall issue a notice of violation to the facility within 15 days of the date of the determination. ADEQ shall not issue more than one notice of opportunity to correct to the same facility for the same violation.

17. Notwithstanding any other provisions of this Decree, ADEQ must issue either a notice of violation or a notice of opportunity to correct, or an equivalent written notice, for each

violation identified during an inspection of a Water Pollution Facility, including an inspection conducted during a complaint investigation, unless the violation is corrected before the conclusion of the inspection. If the violation is corrected before the conclusion of the inspection, ADEQ shall note on the inspection report the nature of the violation and the manner in which it was corrected.

18. Every written notice of violation to a Water Pollution Facility shall include the following elements:

a) The factual nature of the violation;

b) The legal authority regarding compliance;

c) A description of what constitutes compliance and how it is to be documented;

d) A time frame in which ADEQ expects compliance to be achieved. Time frames shall require compliance at the earliest possible date. ADEQ staff shall set time frames based upon their estimate of the time realistically required to comply. Any time frame greater than 120 days from the date of the notice of violation shall require either a consent order or an agreement for a consent judgment with a compliance schedule;

e) An offer to meet;

f) A statement of consequences, which shall provide that a failure to achieve timely compliance with the notice of violation will result in an administrative order or civil action requiring compliance within a reasonable time frame and/or substantial civil penalties and that achieving compliance does not preclude ADEQ from seeking civil penalties for violations as allowed in the statute.

ADEQ shall issue a notice of violation for any violation constituting SNC or as otherwise required under the terms of this Decree.

19. The stated compliance time frame in a notice of violation to a Water Pollution Facility is a firm limit. Any failure to meet the time frame, even though good faith efforts are being made, will be permitted by ADEQ only in a compliance schedule negotiated in the context of a consent order, consent decree, or letter agreement. If during the negotiation of a consent order there is an unreasonable delay in achieving compliance and/or evidence of bad faith negotiations, ADEQ

shall issue a unilateral order and/or refer the case to the Attorney General for enforcement.

Management of Formal Enforcement Actions

20. ADEQ will diligently and expeditiously prosecute all enforcement actions involving Water Pollution Facilities.

21. ADEQ will issue a unilateral administrative order or pursue judicially imposed injunctive relief and/or civil penalties if a Water Pollution Facility fails to either comply with a notice of violation or enter into a consent order.

22. ADEQ issuance of a unilateral administrative order or referral of enforcement action to the Attorney General shall be made in a timely manner and, absent compelling circumstances, within 30 days after a Water Pollution Facility has failed to either comply with a notice of violation or enter into a consent order.

23. Within 90 days of the Effective Date of this Decree, ADEQ shall establish and maintain an enforcement docket showing the enforcement status of every action addressing violations at Water Pollution Facilities. For each such action the docket shall include the date the action was filed; the nature of the violation; the nature of the compliance or relief sought; the date set for hearing or trial, if applicable; and any disposition. This docket shall be kept current and shall be open for public inspection.

24. Within 90 days after the Effective Date of this Decree, ADEQ shall establish and maintain a cross-media enforcement tracking docket(s) that identifies by facility all outstanding notices of opportunity to correct, notices of violation, administrative orders and civil judicial enforcement actions for all ADEQ regulated facilities. In addition, any matter on the docket which is subsequently closed by ADEQ shall remain on the docket(s) for at least 5 years after being closed. The enforcement tracking docket(s) shall be available to the public in one location in accordance with applicable public record laws, shall indicate where ADEQ files relating to each facility may be found, and shall be updated on a monthly basis.

25. ADEQ shall issue a press release whenever a court enforcement action is filed with respect to a violation at a Water Pollution Facility. At ADEQ's discretion, ADEQ may issue a press release when an administrative order is issued with respect to a violation at a Water Pollution

Facility. ADEQ shall provide Plaintiffs' counsel or other designated representative with a copy of all such press releases and administrative orders while this Decree is in effect.

26. ADEQ shall be deemed in compliance with this Decree if the agency shows diligent and good faith efforts to implement the requirements of paragraphs 7-25 above, and ordinarily complies with those requirements. No single failure by ADEQ to comply with any of the above-specified requirements shall constitute a violation of this Decree. Similarly, no failure by ADEQ to address violations at any single facility in the manner specified in paragraphs 7-25 shall constitute a violation of this Decree. However, a pattern of repeated, or frequent noncompliance with any of the requirements of paragraphs 7-25 shall constitute a violation of this Decree.

27. This Decree is intended to resolve litigation between the parties, and does not create any rights in persons not parties hereto. Failure by ADEQ to comply with any provision of this Decree shall in no event be a defense or grounds for mitigating any penalty or sentence in any enforcement action brought by ADEQ or the state. Nothing in this Decree shall be construed as precluding ADEQ from pursuing enforcement activities more expeditiously or aggressively than specified above.

28. In the event a dispute should arise between the parties regarding the implementation of the requirements of this Decree, such dispute shall be in the first instance the subject of informal negotiations for a 15 day period, or for a longer period mutually agreed upon by the parties. The parties may select a mutually agreeable mediator to resolve disputes concerning this Decree.

Duration of Decree

29. This Decree shall terminate on December 31, 2004, provided, however, that the term of the Decree shall automatically be extended by the length of any period of noncompliance by ADEQ as determined by the Court.

Jurisdiction Retained

30. The Court retains jurisdiction over this matter for the duration of this Decree for the purposes of issuing such further orders or directions as may be necessary or appropriate to construe, effectuate, and enforce the terms of this Decree.

Effective Date

The Effective Date of this Decree shall be the date that it is signed by the Court.

ENTERED this 13th day of March, 2000.

DAVID M. TALAMANTE

Judge of the Superior Court

The undersigned agree to the foregoing Consent Decree and agree that, upon filing of a motion for entry by the Plaintiff's, the Consent Decree may be entered.

Jacqueline E. Schafer, Director
Arizona Department of Environmental Quality
3033 N. Central
Phoenix, AZ 85012-2809

March 1, 2000
Date

Edward Truman, Chief Counsel
Environmental Enforcment Section
Attorney General's Office
1275 W. Washington
Phoenix, AZ 85007

March 1, 2000
Date

Counsel for defendants Jacqueline E. Schafer and Arizona Department of Environmental Quality

SIERRA CLUB

By
Sandra Bahr, Director of Conservation & Outreach
Sierra Club, Grand Canyon Chapter
812 N. 3rd Street
Phoenix, AZ 85004

02/28/00
Date

Michael Gregory
P.O. Box 1896
Bisbee, AZ 85603

Date

. . . .

The undersigned agree to the foregoing Consent Decree and agree that, upon filing of a motion for entry by the Plaintiff's, the Consent Decree may be entered.

Jacqueline E. Schafer, Director
Arizona Department of Environmental Quality
3033 N. Central
Phoenix, AZ 85012-2809

Date

Edward Truman, Chief Counsel
Environmental Enforcment Section
Attorney General's Office
1275 W. Washington
Phoenix, AZ 85007

Date

Counsel for defendants Jacqueline E. Schafer and Arizona Department of Environmental Quality

SIERRA CLUB

By

Sandra Bahr, Director of Conservation & Outreach
Sierra Club, Grand Canyon Chapter
812 N. 3rd Street
Phoenix, AZ 85004

Date

Michael Gregory
P.O. Box 1896
Bisbee, AZ 85603

29 Feb 2000
Date

. . . .

Jennifer Anderson, Esq.
Arizona Center for Law
In the Public Interest
202 E. McDowell, Suite 153
Phoenix, AZ 85004

Counsel for Plaintiffs Sierra Club and Michael Gregory

3-1-00
Date

EXHIBIT 1

0010.003 COMPLIANCE AND ENFORCEMENT POLICY

Level One Arizona Department of Environmental Quality

Originator: Edward Z. Fox, Director

Contact for Information: Mark R. Santana, Administrative Counsel

Issue Date: May 7, 1993 **Amended:** December 9, 1999

POLICY

The Arizona Department of Environmental Quality (ADEQ) is charged with the implementation of the environmental laws of this state. To accomplish this mission, ADEQ must have a credible education program to assist facilities to voluntarily comply with environmental laws, and a strong enforcement policy where voluntary compliance is not achieved. Therefore, ADEQ's compliance and enforcement programs will consist of educational and technical assistance to promote voluntary compliance with the law, and strong, swift enforcement actions to deter and penalize violations. For ADEQ to fulfill its commitment, all ADEQ compliance and enforcement staff shall be responsible for ensuring that the Department's responsibilities are carried out in an equitable, consistent and timely manner.

The Department shall carry out its responsibilities consistent with the following:

1. ADEQ SHALL promote voluntary compliance by writing clear and consistent rules, permit conditions and guidance and by providing educational and technical assistance to the regulated community.

2. ADEQ SHALL provide accurate, complete and prompt notification of all violations to facility management and shall proactively manage all cases in a manner that encourages expeditious compliance.

3. ADEQ SHALL manage the compliance and enforcement process to ensure efficient and swift formal enforcement actions in instances where expeditious, voluntary compliance has not been achieved or where circumstances warrant immediate actions.

4. ADEQ SHALL choose the type of formal enforcement action to pursue by considering such factors as comparative risk, indifference to the law, and the compliance and enforcement history of the facility.

5. ADEQ SHALL manage compliance and enforcement actions with a unified, cross-media approach by addressing all violations occurring at a specific facility, whenever feasible.

DEFINITIONS

"Formal Enforcement" means issuing an administrative enforcement order (abatement, cease and desist, compliance or consent) or filing a civil action for injunctive relief and/or civil penalties.

RESPONSIBILITY

All ADEQ compliance and enforcement staff are responsible for the implementation of this policy.

APPLICABILITY

This policy is applicable agency-wide.

PROCEDURES

Compliance Education
and Technical Assistance

1. Establish technical assistance programs for regulated facilities.

2. Promote the dissemination of all applicable current rules, policies and guidelines to affected and interested parties.

3. Provide regular compliance education opportunities for the regulated community on a statewide basis.

4. Establish educational alternatives to enforcement for first time violators, as appropriate.

5. When appropriate, enforcement shall be taken regardless of whether compliance education has occurred.

Compliance Tracking and
Notification of Violations

1. Maintain an accurate, readily accessible tracking system that shows the current compliance status of each facility.

2. Maintain an up-to-date compliance file on each facility that contains all compliance related information. Any compliance related documents shall be placed in the file within 10 days of receipt or generation by ADEQ.

3. Where a violation is identified during an inspection, a notice of opportunity to correct shall be issued to a violator unless one of the following apply:

   A. The violation is committed intentionally; or

   B. In ADEQ's opinion, the violation cannot be corrected in a reasonable amount of time; or

   C. The violation is evidence of a pattern of noncompliance; or

   D. The violation poses a risk to any person, the public health, or the environment.

   When a facility that receives a notice of opportunity to correct notifies ADEQ that the violation has been corrected, ADEQ will, within 30 days: (1) determine if the facility has corrected the violation (2) notify the facility whether the violation has been corrected.

4. Nothing in this policy requires a notice of opportunity to correct, compliance status letter or a notice of violation to be issued before issuing an administrative order, or seeking injunctive relief and civil penalties in Superior Court.

5. When ADEQ records indicate existing violations older than 180 days, ADEQ action has not been initiated, and no human health or environmental endangerment exists, a compliance status letter may be sent to a facility prior to the issuance of a notice of violation. The status letter shall state the compliance status of the facility based upon ADEQ records and that within 30 days of receipt of the letter, the facility

shall submit evidence that (1) a previously identified violation has been corrected or (2) the violation does not exist.

The status letter shall further state that if there is no response, or the facility's response does not establish that the violation has been corrected or does not exist, a notice of violation will be issued at the end of the 30 day period. The status letter may offer the facility the opportunity to enter into a consent order or judgment if it wishes to avoid the issuance of a notice of violation.

6. Review all self-monitoring and other compliance-related reports submitted by regulated parties within 30 days of receipt by ADEQ. If such reports reveal a violation, ADEQ shall within 30 days of receipt, issue a notice of violation to the facility only if one of the following apply:

   A. The violation is committed intentionally; or

   B. In ADEQ's opinion, the violation cannot be corrected in a reasonable amount of time; or

   C. The violation is evidence of a pattern of noncompliance; or

   D. The violation poses a risk to any person, the public health or the environment.

7. Establish a reporting tracking system that automatically triggers a finding of non-submittal from any facility within 30 days of the required submittal date. A finding of non-submittal shall immediately result in the sending of a written notice of violation to the facility.

8. A copy of the inspection report will be provided to the facility at the time of the inspection or by hand delivery or U.S. mail, within 30 working days of the inspection's conclusion. See Policy No. 0156.000, Inspection Procedures Policy, for further discussion of when an inspection concludes.

9. Upon discovery of a violation in the course of an inspection, the ADEQ inspector shall issue a notice of opportunity to

correct or a notice of violation to a facility representative within 45 days of the conclusion of the inspection, for violations identified at the inspection.

10. With respect to violations other than those addressed above, send written notice of violation within 30 days of the date that ADEQ becomes aware of the violation.

11. On a monthly basis the inspector shall provide the violator with an action update letter indicating the status of any agency action resulting from the inspection. An update letter will continue to be sent every month until the facility is notified that no action is necessary because the facility is in compliance, a notice of opportunity to correct or a notice of violation is issued or formal enforcement is taken.

12. Notwithstanding any of the above, provide immediate oral and written notice of any violation that presents an imminent and substantial endangerment to human health or the environment. Such notice shall demand immediate action by the facility to abate the endangerment.

13. After issuance of a notice of violation, face to face compliance meetings are encouraged. Conclude each meeting with a written statement which sets forth what occurred during the meeting and any agreements reached. The parties should initial the statement prior to the conclusion of the meeting.

14. Every notice of opportunity to correct shall include the following elements:

    A. The factual nature of the violation.

    B. The legal authority regarding compliance.

    C. A description of what constitutes compliance and how it is to be documented.

    D. A time frame in which ADEQ expects compliance to be achieved. Time frames shall require compliance within a reasonable period of time. Staff shall estimate a realistic time frame for compliance to be achieved. The notice shall further direct the facility to provide ADEQ with written notice that the violation has been corrected

within the established time frame.

E. A statement that upon receipt of notification from the facility that the violation has been corrected, ADEQ will, within 30 days, determine if the facility has corrected the violation and notify the facility whether the violation has been corrected.

F. A statement that ADEQ may take any enforcement action authorized by law for the violation, if the facility fails to correct the violation, or ADEQ determines that the violation has not been corrected within the established time frame.

15. Every written notification of violation shall include the following elements:

A. The factual nature of the violation

B. The legal authority regarding compliance.

C. A description of what constitutes compliance and how it is to be documented.

D. A time frame in which ADEQ expects compliance to be achieved. Time frames shall require compliance at the earliest possible date. Staff shall estimate a realistic time frame for compliance to be achieved. Any time frame greater than 120 days from the receipt of a notice of violation shall require either a consent order or an executed agreement for a consent decree and a compliance schedule. The notice shall further direct the facility to provide ADEQ with written notice of its compliance status at the end of the established time frame.

E. An offer to meet.

F. A statement of consequences.

16. The stated compliance time frame in the notice of violation is a firm limit. Any failure to meet the time frame will be permitted only in a compliance schedule negotiated in the context of a consent order or consent decree.

17. After ADEQ determines that the facility has achieved

compliance, a written notice of case closure shall be sent to the facility.

Manage Formal Enforcement Actions

1. Document all cases from the outset to meet the most stringent requirements of the legal system at any subsequent time in the compliance and enforcement process.

2. Conduct internal review of enforcement cases to advance cases through the compliance and enforcement continuum in a consistent and timely manner. Establish mechanisms that assure consistent and timely treatment, such as regular staff meetings on enforcement cases.

3. ADEQ and the Attorney General shall maintain standardized wording to be included in consent orders and compliance orders.

4. Where appropriate, utilize Attorney General assistance if facilities are represented by legal counsel negotiating consent orders.

5. In no event shall ADEQ staff grant oral waivers or modifications of legal requirements. Waivers and modifications may only be granted in writing and only under such circumstances as authorized by law. All waivers must be approved by the Division Director, Deputy Director or Director.

6. Issue a unilateral administrative order or pursue judicially imposed injunctive relief and civil penalties if a facility fails to either comply with a notice of opportunity to correct, notice of violation, status letter, or enter into a consent order.

7. Seek injunctive relief and civil penalties with Attorney General assistance.

8. Issuance of a unilateral administrative order or referral of enforcement actions to the Attorney General shall be made in a timely manner and, absent compelling circumstances, within 60 days after a facility has failed to either comply with a notification letter or enter into a consent order.

9. Diligently and expeditiously prosecute all enforcement actions.

10. Maintain an enforcement docket showing the status of every enforcement action, including date filed, nature of relief sought, date set for hearing or trial, and any disposition. This docket shall be kept current and shall be open for public inspection.

Enforcement Case
Priorities

In preparing enforcement referrals to the Attorney General's Office, each program shall numerically prioritize enforcement cases considering the risk to human health and environment posed by the violations, the violator's indifference to the law, extent of deviation and the violator's previous enforcement history. This numeric prioritization shall be communicated to the Attorney General's Office in the assistant attorney general assignment request memorandum. The Water Quality Assurance Fund, Underground Storage Tank and Leaking Underground Storage Tank programs are not subject to this provision.

Cross-Media Approach

1. Develop and maintain a uniform facility tracking approach for all programs.

2. Develop and maintain a cross-media tracking system that will provide all units with all current compliance information about a facility. Such system shall be reasonably accessible to the public in such manner that does not unduly interfere with normal ADEQ operations. If a request for documents is made by the public, documents collected in anticipation of an enforcement action may be kept confidential. Staff should consult the Identification and Protection of Confidential Records Policy if there is a question as to the confidentiality of a particular document.

3. Create a cross-media compliance and enforcement committee (CEC) with representation from each division to share information, problems and ideas and to coordinate cross-media cases through the enforcement process.

Publication of Enforcement Information

1. Issue a press release whenever a court enforcement action is filed or resolved. A press release may be issued when an administrative order is issued.

2. When a press release concerning a consent order is to be released, the facility and interested persons should be notified that a press release is being issued. The facility and interested persons are not entitled to amend or modify the press release.

0010.003 COMPLIANCE AND ENFORCEMENT POLICY

Level One Arizona Department of Environmental Quality

Originator: Edward Z. Fox, Director

Contact for Information: Mark R. Santana, Administrative Counsel

Issue Date: May 7, 1993 Amended: November 9, 1999

APPROVED BY:

Arizona Department of Environmental Quality:

12/10/99
Jacqueline E. Schafer
Director, ADEQ Date

12/9/99
Charles H. Matthewson
Acting Deputy Director Date
ADEQ

12/9/99
Nancy C. Wrona
Director Date
Air Quality Division

12/9/99
Jean A. Calhoun
Director Date
Waste Programs Division

12/9/99
Karen L. Smith
Director Date
Water Quality Division

12/9/99
John F. Timko
Director Date
Administration Division

12/9/99
David St. John
Manager Date
Northern Regional Office

12/9/99
Charles H. Matthewson
Manager Date
Southern Regional Office

12/9/99
Mark R. Santana
Administrative Counsel Date
Office of the Administrative
Counsel

EXHIBIT 2

0152.000 WATER QUALITY COMPLIANCE ENFORCEMENT ESCALATION POLICY

Level Three Arizona Department of Environmental Quality

Originator: Mark Charles, Manager, Water Quality Compliance Section

Contact for Information: M. Reza Azizi, Manager, Water Quality Enforcement Unit

Issue Date: June 10, 1998

PURPOSE

The purpose of this policy is to ensure that initiation and escalation of formal enforcement action within the Water Quality Compliance Section (WQCS) will be performed in an equitable and consistent manner. This Water Quality Compliance Enforcement Escalation Policy establishes a uniform system to be used by the WQCS in pursuing and escalating formal enforcement while conforming to the department-level compliance and enforcement policy.

ADEQ's agency-wide Compliance and Enforcement Policy (1993) states that ADEQ shall choose the type of formal enforcement action to pursue by considering such factors as risk to human health or the environment (i.e., comparative risk), indifference to the law, and previous compliance history. ADEQ strives to respond to every instance of noncompliance. However, such action is not always feasible or desirable. Furthermore, every violation need not be met with an identical response, but rather a response that is appropriate to the violation.

AUTHORITY

Arizona Revised Statutes (A.R.S.), §49-142., §§49-261. through 263., §49-334., and §49-362.

Arizona Administrative Code (A.A.C.) R18-5-411., R18-9-130., R18-9-706., R18-9-819., and R18-11-120.

DEFINITIONS

"Water Quality Permit" includes an Aquifer Protection Permit, Groundwater Quality Protection Permit, Reuse Permit, or any other permit, discharge authorization, or construction approval issued by ADEQ, the Arizona Revised Statutes or the Arizona Administrative Code.

"Discharge Limit" includes any restriction, prohibition, limitation, or criteria established by statute, rule, Water Quality Permit, Administrative Order, or Consent Judgment on

quantities, rates, concentrations, combinations, toxicity, and characteristics of pollutants.

"Discharge Limit Violation" includes:

1. Deviation from a discharge limit at a given monitoring point;
2. Failure to report a discharge limit parameter; or

"Technical Review Criteria (TRC) Violation" includes:

1. Deviation from a Category 1 TRC discharge limit (see Attachment A) by more than 1.4 times the discharge limit;
2. Deviation from a Category 2 TRC discharge limit (see Attachment A) by more than 1.2 times the discharge limit;
3. A deviation from a pH discharge limit; or
4. Failure to report a single discharge limit parameter or inspection requirement on an ADEQ approved and/or supplied Self-Monitoring Report Form.

"Significant Noncompliance" (SNC) includes (see Attachment B): [The definition of Significant Noncompliance (SNC) is based largely upon the definition of SNC established in a September 21, 1995, Memorandum issued by the U.S. EPA's Office of Enforcement and Compliance Assistance for use in EPA's Clean Water Act programs.]

1. For a daily sampling discharge limit or inspection requirement:

   A. 9 or more TRC violations in a quarterly review period; or
   B. 18 or more discharge limit violations in a quarterly review period.

2. For a five sample per week discharge limit or inspection requirement:

   A. 6 or more TRC violations in a quarterly review period; or
   B. 12 or more discharge limit violations in a quarterly review period.

3. For a two sample per week discharge limit or inspection requirement:

   A. 5 or more TRC violations in a quarterly review period; or
   B. 10 or more discharge limit violations in a quarterly review period.

4. For a five sample per month discharge limit or inspection requirement:

   A. 4 or more TRC violations in a quarterly review period; or
   B. 8 or more discharge limit violations in a quarterly review period.

5. For a weekly sampling discharge limit or inspection requirement:

   A. 3 or more TRC violations in a quarterly review period; or
   B. 6 or more discharge limit violations in a quarterly review period.

6. For a two sample per month discharge limit or inspection requirement:

   A. 2 or more TRC violations in a quarterly review period; or
   B. 4 or more discharge limit violations in a quarterly review period.

7. For a monthly sampling discharge limit or inspection requirement:

   A. 2 or more TRC violations in a two consecutive quarter review period; or
   B. 4 or more discharge limit violations in a two consecutive quarter review period.

8. A TRC violation of a quarterly, biannual, or annual sampling discharge limit or inspection requirement.

9. Submittal of an ADEQ approved and/or supplied Self Monitoring Report Form (SMRF) 30 or more days after the due date set by a Water Quality Permit, Administrative Order, or Consent Judgment.

10. Failure to implement a contingency plan or compliance schedule as required by a Water Quality Permit.

11. Failure to construct, operate, or maintain a facility in accordance with the Best Available Demonstrated Control Technology (BADCT) as required in an Aquifer Protection Permit.

12. A substantial release of wastewater for reuse without a Reuse Permit.

13. Substantial amount of sewage or industrial waste permitted to flow into any waters, or upon or under any lands, of the state in a manner detrimental to the quality of the receiving body of water, or to the use of the receiving lands, or prejudicial to public health, safety or welfare in violation of A.A.C. R18-9-803.A.

14. A substantial discharge that has the potential to cause an aquifer water quality standard or surface water quality standard violation.

15. Failure to employ an operator, certified by ADEQ pursuant to A.A.C. R18-5-104., at the grade and classification appropriate for the facility or at one grade below the grade appropriate for the facility.

16. Failure to obtain the required construction approval(s) required by statute or rule prior to constructing and/or operating a sewerage system requiring such approval(s).

17. Failure to submit an application for an individual Aquifer Protection Permit as required by A.A.C. R18-9-107.B.

18. Failure to operate a sewerage or industrial waste treatment works at the "highest practical efficiency" in violation of R18-9-808.A. and as determined during a compliance inspection performed by the WQCS or an ADEQ Regional Office. For the purposes of this paragraph, a compliance rating of "3" as reported to the water quality database shall be considered failure to operate a sewerage or industrial treatment works at the "highest practical efficiency."

"Significant Risk to Human Health and/or the Environment" shall based on all of the following factors:

1. Toxicity or disease causing characteristics of the discharge;
2. Quantity of the discharge;
3. Duration of the discharge;
4. Proximity of the discharge to:

   A. A sensitive environment;
   B. A populated area; or
   C. A navigable water as defined by the Clean Water Act; or

5. Whether or not the discharge has been cleaned-up or abated in a timely manner.

"Significant Indifference for Human Health and/or the Environment" shall at a minimum be based on any one of the following factors:

1. Failure to conduct the normal operation and maintenance as defined by a Water Quality Permit, certificate, guideline, or prevailing industry standard;

2. Failure to take the appropriate measures necessary for preventing the violation from reoccurring in the future;

3. Failure to mitigate the risks to human health and/or the environment caused by the violation;

4. The facility's unsatisfactory compliance history (i.e., one or more NOVs for the same or similar type of violation);

5. Severity of the violation (degree of deviation); or

6. Duration of the violation.

"Extreme Noncompliance" (XNC) includes:

1. A discharge that violates an aquifer water quality standard or surface water quality standard.

2. An unpermitted discharge (as defined by statute or rule) or Water Quality Permit violation which:

   A. Causes a significant risk to human health and/or the environment;
   B. Displays a significant indifference for human health and/or the environment; or
   C. Violates a soil remediation standard.

3. A negligent, reckless or knowing violation of a water quality permit, standard, statute or rule.

POLICY

This policy establishes a priority scheme for responding to noncompliance. Two categories of noncompliance shall trigger formal enforcement by the Water Quality Compliance Section (WQCS): significant and extreme. [The definition of Significant Noncompliance (SNC) is based largely upon the definition of SNC established in a September 21, 1995, Memorandum issued by the U.S. EPA's Office of Enforcement and Compliance Assistance for use in EPA's Clean Water Act programs.]

Noncompliance meeting or exceeding the SNC criteria will be met with a formal enforcement action by the WQCS. Extreme Noncompliance (XNC) establishes the threshold for seeking both a

compliance schedule and civil penalties.

The WQCS's criteria for SNC and XNC address comparative risk by escalating enforcement for violations that significantly exceed permit limits or represent non-responsive violators. Compliance history is considered by escalating enforcement for chronic violations. Although intended to provide consistency, nothing in this policy limits the enforcement discretion of the WQCS. Furthermore, conformance with this policy is contingent upon adequate WQCS staff resources and the performance of the computer database relied upon to implement this policy.

RESPONSIBILITY

All Water Quality Compliance Section and ADEQ Regional Office staff are responsible for implementing the Notice of Violation procedures of this policy. The responsibility for specific implementation of this policy as it applies to enforcement actions beyond the issuance of a Notice of Violation rests with the manager of the Water Quality Enforcement Unit.

PROCEDURES

1. A written Notice of Violation (NOV) shall be issued for all violations that meet either SNC or XNC criteria.

   A. In the case of a municipality, the NOV shall be issued to the mayor of the municipality with a copy sent to the person(s) directly responsible for the violation and/or resolving the violation (e.g., the emergency contact named in a Water Quality Permit, the City Manager, the Environmental Manager, and/or the Public Works Director).

   B. In the case of a private entity, the NOV shall be issued to the owner of the facility with a copy sent to the person(s) directly responsible for the violation and/or resolving the violation (e.g., the emergency contact named in a Water Quality Permit, and/or the facility manager). If the owner of the facility is a corporation, partnership, or other comparable legal entity, the NOV shall be issued to the president, general partner, or other similarly responsible individual within the legal entity.

   C. A copy of the NOV shall be sent to the appropriate county health agency and or environmental regulatory agency and ADEQ regional office.

   D. When appropriate, notification of the issuance of the NOV will be provided to any affected Environmental Justice community. The manager of the Water Quality Compliance Section or his designee will coordinate with

the Environmental Justice liaison in providing this notice.

2. The compliance deadline established within the standard NOV issued for a non-submittal violation shall allow the permittee up to ten (10) days from receipt of the NOV to submit the delinquent SMRFs.

3. The WQCS shall review all submitted SMRFs for discharge limit and inspection requirement violations to determine whether they meet SNC or XNC criteria.

4. If a violation is SNC, the WQCS or ADEQ Regional Office shall issue a standard written NOV.

5. The WQCS shall attempt to negotiate a Consent Order for all SNC violations that can not be or have not been remedied via the NOV process. Failure to participate with the WQCS in negotiating the terms of a Consent Order will normally result in the filing of a civil complaint through the attorney general.

6. If a violation is XNC, the WQCS shall:

   A. Issue a standard written NOV(if an NOV has not already been issued for the violation meeting SNC criteria); and

   B. Pursue a compliance schedule and penalties via a Consent Judgment and/or civil complaint through the attorney general.

7. All Consent Order and Consent Judgment agreements made by the WQCS shall at a minimum include compliance time frames with stipulated penalties for failing to meet time frames (provided the violations that are the basis of the agreement are subject to civil penalties as authorized by law).

8. Any violation of a Consent Order or Consent Judgment that provides for stipulated penalties shall result in the WQCS seeking full payment of stipulated penalties as allowed under the applicable agreement.

9. Refusal to pay stipulated penalties within a reasonable time following violation of a Consent Order shall result in the WQCS seeking civil penalties via a civil complaint through the attorney general. Civil penalties sought by the WQCS for refusing to pay stipulated penalties agreed upon in a Consent Order shall be based not only on the violations triggering a violation of the Order, but also on the violations that initiated the original Order.

10. Refusal to pay stipulated penalties within a reasonable time following violation of a Consent Judgment shall result in

the filing of a Motion to Show Cause and, if necessary, Contempt proceedings through the attorney general.

11. Those violations not meeting SNC or XNC criteria shall be dealt with by the WQCS through compliance education and/or technical assistance.

ATTACHMENT A

TRC DISCHARGE LIMITS

Category 1 - Conventional Pollutants
(40% exceedance of discharge limit)

Oxygen Demand
Biochemical Oxygen Demand
Chemical Oxygen Demand
Total Oxygen Demand
Total Organic Carbon

Solids
Total Suspended Solids (Residues)
Total Dissolved Solids (Residues)
Turbidity
Other

Nutrients
Inorganic Phosphorus Compounds
Inorganic Nitrogen Compounds
Other

Detergents and Oils
MBAs
NTA
Oil and Grease
Other Detergents or Algicides

Minerals
Calcium
Chloride
Fluoride
Magnesium
Sodium
Potassium
Sulfur
Sulfate
Total Alkalinity
Total Hardness
Other Minerals

Metals
Aluminum
Cobalt
Iron
Vanadium

Temperature

Category 2 - Toxic Pollutants
(20% exceedance of discharge limit)

Metals (all forms)
Other metals not specifically listed under Category 1

Inorganic
Cyanide
Total Residual Chlorine

Organics
All Organics are Category 2 except those specifically listed in Category 1

Other
Flow
Radio nuclides
Fecal Coliform
Viruses

ATTACHMENT B

SNC FOR DISCHARGE LIMIT AND INSPECTION REQUIREMENT VIOLATIONS

Monitoring Frequency	TRC Violations	Discharge Limit Violations	Review Period
Daily	9 or more	18 or more	Quarterly
5 per week	6 or more	12 or more	Quarterly
2 per week	5 or more	10 or more	Quarterly
5 per month	4 or more	8 or more	Quarterly
1 per week	3 or more	6 or more	Quarterly
2 per month	2 or more	4 or more	Quarterly
1 per month	2 or more	4 or more	2 Quarters
Quarterly	1 or more		Quarterly
Biannually	1 or more		Biannual
Annually	1 or more		Annual

0152.000 WATER QUALITY COMPLIANCE ENFORCEMENT ESCALATION POLICY

Level Three Arizona Department of Environmental Quality

Originator: Mark Charles, Manager, Water Quality Compliance Section

Contact for Information: M. Reza Azizi, Manager, Water Quality Enforcement Unit

Issue Date: June 10, 1998

APPROVED

Level Three
Water Quality Compliance Section
Water Quality Division

Ed Sadler 6-22-98
Ed Sadler Date
Division Director
Water Quality Division

M. Reza Azizi 6/22/98
M. Reza Azizi Date
Acting Section Manager
Water Quality Compliance Section

The Policy Review Committee has posted, reviewed, and accepted this policy by motion as of June 10, 1998.

Susan Bentley-Johnston 6-22-98
Susan Bentley-Johnston Date
Policy Management System Administrator

EXHIBIT 3

REVISIONS TO WATER QUALITY COMPLIANCE ENFORCEMENT ESCALATION POLICY (1-18-00)

Page 1

Purpose

ADEQ will add language acknowledging that ADEQ's compliance and enforcement actions shall comply with the Decree.

Page 3

No. 8

ADEQ will add provision indicating that a discharge limit violation of a quarterly, biannual or annual sampling discharge limit will result in a Caution Level, and that another discharge limit violation within the next three consecutive review periods shall constitute SNC for which a written notice of violation will be issued (see below).

ADEQ will add TRC and Discharge Limit Caution Level SNC provision:

In addition to sending written notices of violation for SNC violations as otherwise required under the Decree, **within six months of the effective date of the Decree,** if an ADEQ review of self-monitoring report data reveals a TRC or Discharge Limit **Caution** Level (see below), ADEQ shall, within 30 days of the required submittal date, send a caution letter to the facility owner or operator. The letter shall indicate that the facility has met the TRC or Discharge Limit Caution Level, and that if the facility meets the same TRC or Discharge Limit Caution Level within the next three consecutive review periods, this shall constitute SNC for which a written notice of violation will be issued. The letter shall also notify the facility owner or operator of compliance assistance programs offered by ADEQ. Failure of a facility to receive the caution letter prior to meeting a TRC or Discharge Limit Caution Level for the second time shall not constitute a defense to any enforcement action taken by ADEQ. If an ADEQ review of self-monitoring report data reveals that a facility has met a TRC or Discharge Limit Caution Level two times within two, three or four consecutive review periods, ADEQ shall, within 60 days after the required submittal date of the second self-monitoring report, send a written notice of violation to the facility owner or operator.

TRC AND DISCHARGE LIMIT CAUTION LEVELS

Monitoring Frequency	TRC Caution Level	Discharge Limit Caution Level	Review Period
Daily	4 – 8	9 – 17	Quarterly
5 per week	3 – 5	6 – 11	Quarterly
2 per week	2 – 4	5 – 9	Quarterly
5 per month	2 – 3	4 – 7	Quarterly

1 per week	1 – 2	3 – 5	Quarterly
2 per month	1	2 – 3	Quarterly
1 per month	1	2 – 3	2 Quarters
Quarterly		1	Quarterly
Biannually		1	Biannual
Annually		1	Annually

Page 4

No. 13

ADEQ will change to "~~Substantial~~ **Permitting any** amount of sewage or industrial waste ~~permitted~~ to flow into any waters, or upon or under any lands, of the state in a manner detrimental to the quality of the receiving body of water, or to the use of the receiving lands, or prejudicial to public health, safety or welfare in violation of A.A.C. R18-9-803.A."

No. 14

ADEQ will change to "~~A substantial~~ **Any** discharge that has the potential to cause an aquifer water quality standard or surface water quality standard violation."

APPENDIX M5

ARIZONA'S ENVIRONMENTAL INSPECTION AUTHORITIES

Program	Inspection Authority	What Can Be Inspected	To Determine Compliance With:
All	A.R.S. § 49-104(B)(8)	Any premises where there is reasonable cause to believe that a violation of any environmental law or rule exists or is being committed	A.R.S. Title 49 A.A.C. Title 18
All	Permit	Varies by Permit	Permit
Air Quality (Monitoring Devices)	A.R.S. § 49-432(B)	Air contaminant monitoring devices	A.R.S. Title 49, Ch. 3, Art. 2 A.A.C. Title 18, Ch. 2
Air Quality (Generally)	A.R.S. § 49-424(5)	Any building, structure, facility or installation that may cause or contribute to air pollution or the use of which may eliminate, reduce or control the emission of air pollution	A.R.S. Title 49, Ch. 3, Art. 2 A.A.C. Title 18, Ch. 2
Biosolids (Generally)	A.A.C. R18-9-1015	Property, biosolids pathogen and vector treatment facilities, transportation vehicles, and land application sites subject to regulation under A.A.C. Title 18, Ch. 9, Art. 10	A.A.C. Title 18, Ch. 9, Art. 10
Biosolids (Records)	A.A.C. R18-9-1013(C)	All records required for retention under A.A.C. R19-9-1013	A.A.C. Title 18, Ch. 9, Art. 10
Drinking Water (Sanitary Survey)	A.A.C. R18-4-118	Public water systems not in compliance with A.A.C. Title 18, Ch. 4; or that pose a threat to public health due to defective design, lack of treatment, inadequacy of source, poor maintenance, inadequate records, ineffective operation; or that the water is unsatisfactory for use	A.R.S. Title 49, Ch. 2, Art. 9 A.A.C. Title 18, Ch. 4
Hazardous Waste	A.A.C. R18-8-280(A)	Any place where hazardous wastes are or have been generated, stored, treated, disposed, or transported from, including records, facilities, equipment, practices, operations, wastes, and containers	A.R.S. Title 49, Ch. 5, Art. 2 A.A.C. Title 18, Ch. 8, Art. 2
Human Excreta	A.A.C. R18-8-606	All buildings or structures, processes or vehicles used for the storage, collection, and disposal of human excreta	A.A.C. Title 18, Ch. 8, Art. 6
Nuisance	A.R.S. § 49-144	Any building, structure or other property	A.R.S. Title 49, Ch. 1, Art. 3
Remediation Standards Engineering Controls	A.R.S. § 49-152(I)	Property containing an engineering control for meeting a remediation standard	A.R.S. § 49-152

Program	Inspection Authority	What Can Be Inspected	To Determine Compliance With:
Solid Waste (Generally)	A.R.S. § 49-763	Solid waste facilities and sites that store, treat or process recyclable solid waste	A.R.S.§ 49-762.07(F)
Solid Waste (Refuse)	A.A.C. R18-13-304	Any premises, container, process, equipment, or vehicle used for collection, storage, transportation, disposal, or reclamation of refuse	A.A.C. Title 18, Ch. 13, Art. 3
Special Waste (Generally)	A.R.S. § 49-865	Facilities that manage special waste, including premises and equipment	A.R.S. Title 49, Ch. 4, Art. 9 A.A.C. Title 18, Ch. 13, Art. 13
Special Waste (Reporting)	A.R.S. § 49-860(D)	Special waste facilities and records	A.R.S. § 49-860
Swimming Pools	A.A.C. R18-5-250	Public or semipublic swimming pool or spa	A.A.C. Title 18, Ch. 5, Art. 2
Used Oil	A.R.S. § 49-817	Any commercial, nonprofit or governmental premises	A.R.S. Title 49, Ch. 4, Art. 7
UST	A.R.S. § 49-1011	Underground storage tanks, associated equipment, records, soil, air, water, tank contents	A.R.S. Title 49, Ch. 6
VEI (Fleet emissions)	A.R.S. § 49-546(F)	Fleet emissions inspection stations	A.R.S. Title 49, Ch. 3, Art. 5 A.A.C. Title 18, Ch. 2, Art. 10
VEI (ADEQ Contractors)	Specified in Emissions Inspection Agreement	Contracted emissions inspection stations	A.R.S. Title 49, Ch. 3, Art. 5 A.A.C. Title 18, Ch. 2, Art. 10
Waste Tires	A.A.C. R18-13-1208	Mining facilities	A.A.C. Title 18, Ch. 13, Art. 12
Water Pollution Control (APP/Standards/ AZPDES/Biosolids/ Reuse)	A.R.S. § 49-203(B)(1)	Any property from which a discharge has occurred or is occurring, including the related records, equipment, activities, facilities, and monitoring devices	A.R.S. Title 49, Ch. 2 A.A.C. Title 18, Ch. 9 A.A.C. Title 18, Ch. 11
WQARF	A.R.S. § 49-288(C)	Any facility or place which has been or may be related to a release or threatened release of a hazardous or regulated substance	N/A

APPENDIX M6

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Governor Jane Dee Hull Jacqueline E. Schafer, Director

February 7, 2000

David Kimball III, Esq.
Gallagher & Kennedy
2600 N. Central
Phoenix, AZ 85004-3020

RE: Amended Compliance and Enforcement Policy, A.R.S. § 41-1009.E. and ADEQ Enforcement/Guidance

Dear Mr. Kimball:

As you know, the Arizona Department of Environmental Quality (ADEQ) amended its Compliance and Enforcement Policy (CEP) on December 11, 1999 to include the provisions of A.R.S. § 41-1009.E (providing for the issuance of Notices of Opportunity to Correct for certain types of violations discovered during inspections). The CEP explicitly adopts the provisions of A.R.S. § 41-1009.E with respect to violations discovered during inspections. The CEP also provides that a Notice of Violation (NOV) will only be issued for self reporting violations if the violation meets the statutory exceptions of A.R.S. §41-1009.E.

To ensure that all internal ADEQ compliance and enforcement guidance documents comply with the provisions of the amended CEP, the internal ADEQ guidance documents issued in July 1999 are being temporarily withdrawn while ADEQ programs determine whether that guidance complies with the amended CEP. The new guidance will be issued by the end of April 2000. Since the guidance was issued in July 1999 for the specific reason of ensuring that all ADEQ enforcement programs complied with A.R.S. § 41-1009, ADEQ expects that the newly issued guidance will be similar to the withdrawn guidance.

You have raised a question concerning how ADEQ interprets the provision of A.R.S. § 41-1009.E.4, which provides that an NOC may be issued unless the violation poses a "risk to any person, the public health, safety or welfare or the environment." ADEQ chooses to implement this statutory exception such that an NOV will not be issued where a violation creates a minimal or non-existent risk. Rather ADEQ will implement A.R.S. § 41-1009.E.4 such that an NOV will be issued where the violation creates a significant risk, to any person, the public health, safety or the environment. A significant risk can be considered to be the reasonable probability of material harm to any person, the public health, safety, welfare or the environment or the inability to perform such an assessment as a result of the violation. This risk standard, along with intentional acts, recalcitrance, repeated noncompliance or other evidence of significant noncompliance, will be used by ADEQ in determining whether an NOV will be issued.

Although the July 1999 program guidance was developed considering the degree and severity of risk, ADEQ programs will be reevaluating their guidance to ensure that with respect to A.R.S. § 41-1009.E., the agency only issues an NOV where there is a significant risk of harm or other evidence of significant noncompliance.

If you have any questions, please call me at (602) 207-4251.

Very Truly Yours,

Mark R. Santana
Administrative Counsel

cc. Jacqueline E. Schafer
Nancy Wrona
Karen Smith
Mark Charles
Ed Truman, AGO

MRS/law

APPENDIX M7

POTENTIAL ARIZONA LEGAL AUTHORITIES/VIOLATIONS ASSOCIATED WITH SPILLS

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
Aquifer Protection Permit	A.R.S. § 49-241(A)	Any source	Land surface (if reasonable probability of reaching aquifer);[1]	None	Discharge[1]	Permitted activities; *See* A.R.S. § 49-250	Pollutant[2]	Inert Material[3]
	A.R.S. § 49-241(B)		Surface impoundment;[4] Solid waste disposal facility; Injection well;[5] Land treatment facility; Dry well;[6] Mine tailings piles and ponds; Navigable waters[7]	Sewer; Inspectible/non-leaking structures; Municipal solid waste landfill with approved facility plan; Livestock ponds	Operate			

[1]The addition of a pollutant from a facility either directly to an aquifer or to the land surface or the vadose zone in such a manner that there is a reasonable probability that the pollutant will reach the aquifer. A.R.S. § 49-201(12).

[2]Fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substance. A.R.S. § 49-201(28).

[3]Broken concrete, asphaltic pavement, manufactured asbestos-containing products, brick, rock, gravel, sand and soil. Also includes material that when subjected to a water leach test that is designed to approximate natural infiltrating waters will not leach substances in concentrations that exceed numeric aquifer water quality standards, including overburden and wall rock that is not acid generating, taking into consideration acid neutralization potential, and that has not and will not be subject to mine leaching operations. A.R.S. § 49-201(19).

[4]A Pit, pond, or lagoon with a surface dimension equal to or greater than its depth, and used for the storage, holding, settling, treatment or discharge of liquid pollutants or pollutants containing free liquids. A.A.C. R18-9-101(27).

[5]A bored, drilled or driven shaft, pit or hole whose depth is greater than its largest surface dimension that receives a discharge through pressure injection or gravity flow. A.R.S. § 49-201(41) and A.A.C. R18-9-101(14).

[6]A well which is bored, drilled or driven shaft or hole whose depth is greater than its width and is designed and constructed specifically for the disposal of storm water. A.A.C. R18-9-101(11).

[7]Waters of the United States as defined by § 502(7) of the clean water act (33 United States Code § 1362(7)). A.R.S. § 49-201(21).

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
Criminal Littering[8]	A.R.S. § 13-1603(A)(1)	Any source	Public property or property of another which is not a lawful dump;	None	Throws, places, drops or permits to be dropped and does not immediately remove	Lawful authority	Litter, destructive or injurious material	None
	A.R.S. § 13-1603(A)(2)		Waters or shorelines within the state		Discharges, or permits to be discharged		Sewage, oil products, other harmful substances	
	A.R.S. § 13-1603(A)(3)		Any land		Dump		Earth, soil, stones, ores, or minerals	
AZPDES	A.R.S. § 49-255.01(A)	Point source[9]	Navigable waters[10]	Non-navigable waters Non-point source	Discharge[11]	Irrigation return flows	Pollutant[12]	None
RCRA Citizen Suit[13]	42 USC § 6972(a)(1)(B) (Section 7002 of RCRA)	Any source	Any location	None	Handling, storage, treatment, transport, disposal which may present imminent and substantial endangerment	EPA has commenced and is diligently prosecuting enforcement action, including CERCLA removal actions, CERCLA RI/FS, CERCLA Order/Decree, suit must be consistent with WQARF	Solid or hazardous waste	Non-solid waste

[8]Not directly enforceable by ADEQ. Requires a referral to the Arizona Attorney General's Office or the appropriate County Attorney's Office.

[9]Any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged to navigable waters. A.R.S. § 49-201(27).

[10]Waters of the United States as defined by section 502(7) of the clean water act (33 U.S.C. § 1362(7)). A.R.S. § 49-201(21).

[11]Addition of any pollutant to navigable waters from any point source. A.R.S. § 49-255(2).

[12]Fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances. A.R.S. § 49-201(28).

[13]Must be consistent with Chapter 2, Article 5 of the Arizona Revised Statutes. A.R.S. § 49-287.

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
Hazardous Waste	A.A.C. R18-8-270(B)(1)	Any source	Any un-permitted location	None	Treatment, storage,[14] or disposal[15]	Permitted activity; Interim status;	Hazardous waste[16]	Non-hazardous waste
	A.A.C. R18-8-270(B)(2)		Waters of the state,[17] injection well, ditch, alleyway, storm drain, leach field, or roadway	Surface impoundment	Direct disposal or discharge	None		

[14]Holding of hazardous waste for a temporary period, the end of which the hazardous waste is treated, disposed of, or stored elsewhere. 40 CFR § 260.10 (incorporated by reference at A.A.C. R18-8-260).

[15]Discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water such that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters. 40 CFR § 260.10 (incorporated by reference at A.A.C. R18-8-260).

[16]*See* 40 CFR § 261.3 (incorporated by reference at A.A.C. R18-8-261) for the definition of hazardous waste.

[17]All waters within the jurisdiction of this state including all perennial or intermittent streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, aquifers, springs, irrigation systems, drainage systems and other bodies or accumulations of surface, underground, natural, artificial, public or private water situated wholly or partly in or bordering on the state. A.R.S. § 29-201(40).

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
Solid Waste	A.R.S. § 49-762	Any source	Solid waste land disposal[18] facility; Biosolids[19] processing facility; Medical waste[20] facility; Special waste[21] facility; Municipal solid waste landfill;[22] Commercial or government owned household waste composting facility	None	Own or operate	None	Solid waste[23]	Non-solid waste[24]
	A.R.S. § 49-762.08	Solid waste facility[25]	Surface water, groundwater, or subsurface soil		Release[26] violating or resulting from violation of 49-762.07 or causing/ threatening to cause adverse effect	Groundwater impacted by off-site source; Release from facility subject to 40 CFR Part 257 or 258; Release from UST;	Any	Petroleum if subject to UST corrective action, or remains on-site

[18]Placement of solid waste in or on land. A.R.S. § 49-701(16).

[19]*See* A.A.C. R18-13-1502(7) for the definition of biosolids (and exemptions).

[20]Any solid waste which is generated in the diagnosis, treatment or immunization of a human being or animal or in any research relating to that diagnosis, treatment or immunization, or in the production or testing of biologicals, and includes discarded drugs but does not include hazardous waste as defined in section 49-921 other than conditionally exempt small quantity generator waste. A.R.S. § 49-701(19).

[21]Waste that contains petroleum contaminated soils; or wastes from shredding motor vehicles. A.R.S. § 49-852(A).

[22]Any solid waste landfill that accepts household waste, household hazardous waste or conditionally exempt small quantity generator waste. A.R.S. § 49-701(20).

[23]*See* A.R.S. § 49-701.01(A) for a definition of a solid waste.

[24]*See* A.R.S. §§ 49-701.01(B) and 49-701.02(A) for exemptions from solid waste.

[25]*See* A.R.S. § 49-701(29) for a definition of a solid waste facility.

[26]Spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. A.R.S. § 49-281(11).

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
	A.R.S. § 49-773	Non-natural person[27]	Solid waste landfill[28]	Facility meeting Clean Water Act requirements, and 40 CFR 257 and 258, or issued plan approval; Surface impoundment; Injection well; Compost pile or waste pile or an area containing on-site generated coal ash that does not contain hazardous waste.	Disposal	None	Solid waste	Non-solid waste
Used Oil	A.R.S. § 49-803(A)(1)	Any Source	Sewers or waters of the state	None	Discharge	Permitted activity	Used oil	None
	A.R.S. § 49-803(A)(3)		Land	Landfill subject to 40 CFR Part 257 or 258	Disposal	Normal minimal leakage from properly maintained vehicles/equipment		
UST	A.R.S. § 49-1005	UST[29]	Groundwater, surface water, or soils	Farm tank <1,100 gallons; Residential tank <1,100 gallons; Heating oil tank; Septic tank; Pipeline regulated under natural gas pipeline safety act; Pipeline regulated under hazardous liquid pipeline safety act; Intrastate pipeline; Surface impoundment; Stormwater collection system; Wastewater collection system; Flow-through process tank; Tank in underground area above surface of floor;	Release[30]	None	Regulated Substance[31]	

[27] Any public or private corporation, company, partnership, firm, association or society of persons, the federal government and any of its departments or agencies, departments, political subdivisions, counties, towns or municipal corporations. A.R.S. § 49-701(23).

[28] A facility, area of land or excavation in which solid wastes are placed for permanent disposal. A.R.S. § 49-701(30).

[29] A tank or combination of tanks and underground pipes and impact valves connected to tanks being used or having been used to contain regulated substances and which have at least 10% of the total volume of the tank and underground portions of pipes connected to the tank underground. A.R.S. § 49-1001(18).

[30] Spill, leak, emission, discharge, escape, leach or disposal of a regulated substance from a UST into groundwater, surface water or soils. A.R.S. § 49-1001(15).

[31] Petroleum, including crude oil or any fraction of crude oil, which is liquid at 60°F and 14.7 lb/in^2 absolute, and petroleum based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and finishing, such as motor fuels, residual fuel oils, lubricants, jet fuels, distillate fuel oils, petroleum solvents and used oils; or a substance specified in CERCLA but not a hazardous waste. A.R.S. § 41-1001(14).

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
Voluntary Remediation	A.R.S. § 49-172(A)	Any source	Environment	WQARF registry sites	Release	Corrective action at a RCRA permitted or interim status facility; UST corrective action; Actions required by: agreement with ADEQ, civil judgment or decree, or administrative order; Actions sought in civil complaint	Contaminant[32]	None
Enviro-Nuisance	A.R.S. § 49-141(A)(3)	Any source	Soil, air, or water	None	Deposited, stored, discharged, or exposed	Otherwise subject to regulation under A.R.S. Title 49	Sewage, human excreta, wastewater, garbage, organic wastes	None
	A.R.S. § 49-141(A)(4)	Defective transport vehicle or container			Leakage or spillage		Garbage or human excreta	
	A.R.S. § 49-141(A)(5)	Septic tank, or cesspool			Overflow		Human excreta	

[32] Any substance released to the environment that is either a hazardous substance or pollutant as defined in A.R.S. § 49-201.

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
Surface Water Standards	A.A.C. R18-11-120	Any source	Surface water[33]	Waste treatment systems, including impoundments, ponds, lagoons, and constructed wetlands that are a part of such waste treatment systems; Man-made surface impoundments and associated ditches and conveyances used in the extraction, beneficiation, and processing of metallic ores, including pits, pregnant leach solution ponds, raffinate ponds, tailing impoundments, decant ponds, concentrate or tailing thickeners, blowdown water ponds, ponds and sumps in mine pits associated with dewatering activity, ponds holding water that has come in contact with process or product and that is being held for recycling, spill or upset catchment ponds, or ponds used for onsite remediation that are not surface waters or are located in areas that once were surface waters but no longer remain surface waters because they have been and remain legally converted.	Causes a violation	None	Narrative, numeric standards	None

[33] A water of the United States and includes the following: (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; (b) All interstate waters, including interstate wetlands; (c) All other waters such as intrastate lakes, reservoirs, natural ponds, rivers, streams (including intermittent and ephemeral streams), creeks, washes, draws, mudflats, sandflats, wetlands, sloughs, backwaters, prairie potholes, wet meadows, or playa lakes, the use, degradation or destruction of which would affect or could affect interstate or foreign commerce, including any such waters: (I) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (iii) Which are used or could be used for industrial purposes by industries in interstate or foreign commerce; d. All impoundments of waters otherwise defined as surface waters under this definition; (e) Tributaries of surface waters identified in paragraphs (a) through (d) of this definition; and (f) Wetlands adjacent to surface waters identified in paragraphs (a) through (e) of this definition. A.A.C. R18-11-101(40).

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
WQARF	A.R.S. § 49-287(E)	Any Source	Environment	None	Release or threat of release which may present an imminent and substantial danger	Does not present an imminent and substantial danger	Hazardous substance[34]	Petroleum if subject to UST corrective action, or remains on-site
	A.R.S. § 49-286	Responsible Party[35]	Any location that renders or is about to render a drinking water source unusable without treatment		Disposal	Disposal after July 1, 1987	Non-hazardous substance	None

[34] *See* A.R.S.§ 49-201(18) for a definition of hazardous substance.

[35] *See* A.R.S.§ 49-283 for a definition of responsible party.

APPENDIX M8

SUMMARY OF ENFORCEMENT APPROVAL PROCEDURES – PHOENIX OFFICE

	Unit Manager	Section Manager	Division Director	Enforcement Coordinator	Deputy Director	Director
Notice of Opportunity to Correct	X					
NOC Closure Letter	X					
Notice of Violation	X	X	X			
Notice of Environmental Nuisance	X	X	X			
NOV Compliance Documented Letter	X					
NOV Closure Letter (w/no further action)	X	X	X			
NOV Reminder Letter	X					
First Draft Consent Order	X	X	X	X	X	X
Final Consent Order	X	X	X			
Compliance/Abatement Order	X	X	X	X	X	X
Compliance Order w/Civil Administrative Penalty	X	X	X	X[1]	X[1]	X[1]
Termination of Administrative Order	X	X	X			
License Suspension/Revocation	X	X	X	X	X	X
Order Assessing Civil Penalty	X	X	X	X	X	X
Attorney General Request / CDM	X	X	X	X	X	X
Civil Settlement	X	X	X	X	X	X
Criminal Referral	X	X	X	X	X	X
Board of Technical Registration Referral	X	X	X	X	X	X
MAJOR/MINOR LISTS						
Add New Violation	X	X	X	X	X	X
Move Violation Between Lists	X	X	X	X	X	X
Permit Violation Not on Lists	X	X	X			
Violation Language Change	X			X		

[1] Not required for Orders issued to address monitoring and reporting violations associated with public water systems serving less than 500 persons and assessing a penalty of at least $3,000 for a Transient, Non-Community System, $5,000 for a Community Water System, or $5,000 for a School

APPENDIX M9

SUMMARY OF ENFORCEMENT APPROVAL PROCEDURES - REGIONAL OFFICES

	Unit Manager	Section Manager	Regional Director	Division Director	Enforcement Coordinator	Deputy Director	Director
Notice of Opportunity to Correct	X						
NOC Closure Letter	X						
Notice of Violation	X	X	X				
Notice of Environmental Nuisance	X	X	X				
NOV Compliance Documented Letter	X						
NOV Closure Letter (w/no further action)	X	X	X				
First Draft Consent Order	X	X	X	X	X	X	X
Final Consent Order	X	X	X				
Compliance/Abatement Order	X	X	X	X	X	X	X
Termination of Administrative Order[1]	X	X	X				
Criminal Referral	X	X	X	X	X	X	X
Board of Technical Registration Referral	X	X	X	X	X	X	X

[1]Regional Offices may terminate only those administrative orders issued by the Regional Office.

APPENDIX P1

0115.000 ADMINISTRATIVE HEARING PROCEDURES FOR DELEGATED PROGRAMS

Level One **Arizona Department of Environmental Quality**

Originator: Mark R. Santana, Administrative Counsel

Contact for Information: Mark R. Santana

Issue Date: May 9, 1997

PURPOSE:

This policy's purpose is to establish procedures for setting administrative hearings where local agencies are enforcing delegated Arizona Department of Environmental Quality (ADEQ) programs pursuant to delegation agreements.

DEFINITIONS

"Local agency" means a county, city or other public agency that has been delegated authority to enforce a delegated ADEQ program pursuant to A.R.S. § 41-1081 and A.R.S. § 49-107.

POLICY

The ADEQ delegation agreements with local agencies (LAs) require these LAs to utilize the Administrative Procedures Act and the ADEQ/Office of Administrative Hearings hearing process when the LAs issue administrative orders (compliance, abatement) pursuant to a delegated program. This policy provides guidance on how LA administrative enforcement hearings are to be handled by LA and ADEQ program staff.

RESPONSIBILITY

Compliance and enforcement staff, the Office of Administrative Counsel, and LAs are responsible for the implementation of this policy.

PROCEDURES

1. When an LA takes administrative enforcement action pursuant to a delegated authority, the request for hearing is sent to the LA. The request must be filed with the LA within the time period set forth in the statute applicable to the particular delegated authority.

2 When an LA receives a written request for a hearing, the LA should forward to the ADEQ manager of the delegated program (section manager), a packet containing copies of (1) the administrative order, (2) the written request for hearing, (3) the proof of service (certified mail card or affidavit of

service), and (4) a cover letter, identifying the attorney who will represent the LA. The letter should include the address, phone number and fax number of the deputy county attorney.

3. The packet will be date stamped upon receipt. The ADEQ program will, within five working days, prepare an assignment request memorandum, requesting the assignment of an assistant attorney general (AAG) to advise the LA attorney on the hearing. The hearing packet and assignment request memorandum will be given to the ADEQ case administrator within three working days. The case administrator will forward the assignment memorandum to the Office of Administrative Counsel (OAC). OAC will then forward the assignment request to the Attorney General's Office for assignment. The AAG will **not** "Second" or assist the LA attorney in trying the case, but will serve as an information resource and advisor for the LA attorney.

4. The case administrator will manage the LA administrative enforcement hearing like other ADEQ enforcement hearings with the exception that the assigned AAG will be provided with copies of all pleadings filed in the matter. The case administrator will provide copies of ADEQ's administrative hearing rules to the LA's attorney and the respondent (or respondent's attorney if the respondent is represented by counsel). The case administrator will assign a letter to the ADEQ administrative case number, identifying the hearing as an LA administrative hearing.

5. The Office of Administrative Hearings (OAH) will provide the administrative law judge to conduct the hearing. Unless the parties (LA and respondent) agree otherwise, the hearing will be held at OAH. If the parties agree to pay all travel and lodging costs, OAH will consider allowing the administrative law judge to conduct the administrative hearing at an agreed upon location in the county where the administrative order was issued. The LA and respondent should make such a request as early in the hearing process as possible. The request should identify at least one location where the hearing might be conducted.

6. The provisions of the Administrative Procedures Act and the ADEQ Rules of Procedure (A.C.C. R18-1-201 et seq) remain fully applicable to LA administrative enforcement hearings.

0115.000 ADMINISTRATIVE HEARING PROCEDURES FOR DELEGATED PROGRAMS

Level One **Arizona Department of Environmental Quality**

Originator: Mark R. Santana, Administrative Counsel

Contact for Information: Mark R. Santana

Issue Date: May 9, 1997

APPROVED BY:

Arizona Department of Environmental Quality:

5/12/97

Russell F. Rhoades
Director, ADEQ Date

5.9.97

Karen J. Heidel, Ph.D.
Deputy Director, ADEQ Date

5/9/97

Nancy C. Wrona
Director, Date
Air Quality Division

5/9/97

Ethel DeMarr
Director, Date
Waste Programs Division

5.9.97

Karen J. Heidel, Ph.D.
Acting Director, Date
Water Quality Division

5/15/97

Mark R. Santana
Administrative Counsel, Date
Office of Administrative Counsel

0115.000 ADMINISTRATIVE HEARING PROCEDURES FOR DELEGATED PROGRAMS

Level One **Arizona Department of Environmental Quality**

Originator: Mark R. Santana, Administrative Counsel

Contact for Information: Mark R. Santana

Issue Date: May 9, 1997

APPROVED BY:

Arizona Department of Environmental Quality:

5/12/97

Russell F. Rhoades
Director, ADEQ Date

5.9.97

Karen J. Heidel, Ph.D.
Deputy Director, ADEQ Date

5/9/97

Nancy C. Wrona
Director, Date
Air Quality Division

5/9/97

Ethel DeMarr
Director, Date
Waste Programs Division

5.9.97

Karen J. Heidel, Ph.D.
Acting Director, Date
Water Quality Division

APPENDIX P2

0015.000 CIVIL PENALTY POLICY

Level One **Arizona Department of Environmental Quality**

Originator: Mark R. Santana, Administrative Counsel
Office of Administrative Counsel

Issue Date: August 4, 1994

Next Scheduled Review Date: August 4, 1996

PURPOSE

The ADEQ Penalty Policy provides direction for calculating civil penalties utilizing factors similar to those found in A.R.S. §49-288.G, §49-463.C and §49-513.C. This policy is to be utilized for negotiated settlements only.

This policy will insure that divisions meet common goals without sacrificing individual program requirements. The fundamental considerations and factors of this policy shall be followed when calculating civil penalties.

Each program may modify the policy to meet its individual needs, but must develop a consistent written procedure for application of the adjustment factors. The procedures must be implemented within sixty days of adoption of the policy.

POLICY

1. FUNDAMENTAL CONSIDERATIONS

   A. Once a civil penalty lawsuit has been filed there will be no settlement without payment of a significant penalty. What constitutes an appropriate penalty is to be determined on a case by case basis. The penalty <u>must</u> recapture any identifiable economic gain, and have a deterrent impact on the violator.

   B. Each program shall develop a list of violations for which a specific dollar penalty must be paid.

   C. Penalties should be calculated from one of the following occurrences and presumably the earliest in time:

      1. The date when the violator knew or should have known of the violation.

      2. The date of discovery of the violation by ADEQ.

      3. The date of issuance of a formal Notice of Violation.

   D. Civil cases referred to the Attorney General shall

include a calculated settlement penalty. However, the penalty amount claimed in the court complaint shall be the calculated statutory maximum penalty, if ADEQ requests a set amount.

E. The factors outlined in this policy are to be utilized in calculating a penalty. The weight given to each factor is to be determined by the individual program. Not all factors may be applicable in each situation. There is no minimum amount for any given penalty, except that the penalty must recapture any economic gain. The statutory maximum civil penalty should be reasonably proportionate to the maximum civil penalty.

2. PENALTY POLICY ADJUSTMENT FACTORS

A. Culpability Factors

(1) Seriousness of violation: includes threat or actual harm to human health and/or the environment and/or ADEQ's regulatory program.

(2) History of repeated violations: a history of repeated violations of the same rules or statutes or payment of previous penalties for the same violations or similar violations.

(3) Record of noncompliance: a history of violation of other environmental laws and regulations, whether federal, Arizona or local.

(4) Recalcitrance: refusal to comply with ADEQ requirements or directives. Deliberate attempts to delay the settlement process by unnecessarily extending negotiations.

(5) Duration of violation: the violation has continued over a period of time, with the violator's knowledge and no or minimal attempts have been made to correct the violation.

(6) Other evidence of bad faith: unique bad faith factors, such as past efforts to acquaint the violator with applicable requirements or acts of willful or gross negligence.

B. Mitigating Factors

(1) Good faith efforts: timely corrective action or other evidence of good faith that results in progress towards compliance.

(2) Fault shared by other violator: if more than one responsible party is responsible for the violation,

the penalty may be apportioned based on ADEQ's knowledge of the facts and professional judgment.

(3) Other mitigating factors: ADEQ shall consider other factors which require a reduction in penalty. For example, conflicting guidance from ADEQ or other regulatory agencies concerning the particular activity may be considered.

C. Deterrence Factors

(1) Economic impact of the penalty: the penalty must be sufficiently harsh to deter the violator from repeated violations and recapture any identifiable economic gain.

(2) Deterrence value to other potential violators: consideration should be given as to whether the penalty will deter other potential violators from similar acts.

3. SETTLEMENT CRITERIA

The following settlement criteria are not considered in calculating the initial settlement penalty amount but should be considered in determining a final settlement amount:

A. Likelihood of success: in conjunction with advice from the AGO, ADEQ should assess its chances of prevailing in litigation and whether the penalties will be collectible if a judgment is obtained.

B. Relevant judicial precedent: ADEQ, in conjunction with AGO should consider an available judicial precedent to determine whether the courts have imposed and the typical amount for assessing penalties.

C. Ability to pay penalty: the penalty should not bankrupt the violator. Inability to pay may be considered. However, inability to pay must be established by clear and convincing evidence. Payment schedules are preferred over a reduction in penalties. Except for extraordinary circumstances, a penalty payment schedule shall not exceed three calendar years. Where a payment schedule is agreed upon, interest should be included. Interest should be at 10% per annum, unless the imposition of that rate would impose an extraordinary hardship upon the violator. If the 10% rate would impose such a hardship, a lesser amount may be negotiated.

4. SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEP)

A. A supplemental environmental project (SEP) may be substituted for a portion of the calculated penalty or settlement amount. However, some penalty must be paid. Generally, the dollar value of the SEP should be the equivalent of twice the remaining unpaid balance of the calculated penalty or settlement amount. Other ratios can be imposed based upon the facts and the type of SEP imposed.

B. Preference will be given to SEPs that address the original violation.

C. The SEP must create a net environmental benefit beyond ordinary compliance.

5. STIPULATED PENALTIES

Stipulated penalties may be utilized by the programs as they may determine to be appropriate.

RESPONSIBILITY

Responsibility for the policy lies with the division directors.

0015.000 CIVIL PENALTY POLICY

Sponsor: Mark R. Santana, Administrative Counsel
Office of Administrative Counsel

Issue Date: August 4, 1994

Next Scheduled Review Date: August 4, 1996

APPROVED BY:

Level One

Arizona Department of Environmental Quality:

Karen J. Heidel 10-12-95
Karen J. Heidel Date
Acting Director, ADEQ

FOR NCW 10/12/95
Nancy C. Wrona Date
Director,
Air Quality Division

10/12/95
Ethel DeMarr Date
Director,
Waste Programs Division

10/12/95
Kimberly W. MacEachern Date
Director,
Water Quality Division

APPENDIX P3

0010.003 COMPLIANCE AND ENFORCEMENT POLICY

Level One **Arizona Department of Environmental Quality**

Originator: Edward Z. Fox, Director

Contact for Information: Mark R. Santana, Administrative Counsel

Issue Date: May 7, 1993 **Amended: May 11, 2000**

Next Review Date: May 11, 2002

POLICY

The Arizona Department of Environmental Quality ("ADEQ") is charged with the implementation of the environmental laws of this state. To accomplish this mission, ADEQ must have a strong compliance and enforcement policy where voluntary compliance is not achieved. This policy identifies the compliance standards that guide the agency in taking enforcement action.

DEFINITIONS

"Formal Enforcement" means issuing an administrative enforcement order (abatement, cease and desist, compliance or consent)or filing a civil action for injunctive relief and/or civil penalties.

"Informal Enforcement" means issuing a notice of opportunity to correct, notice of violation, or status letter.

"Significant Non-Compliance" ("SNC") means those violations identified as SNC under individual program policies or guidance. SNC exists only if at least one of the following criteria are met:

A. The violation is committed intentionally; or

B. The violation cannot be corrected in a reasonable amount of time; or

C. The violation is evidence of a pattern of noncompliance; or

D. The violation poses a risk to any person, the public health or the environment.

RESPONSIBILITY

All ADEQ compliance and enforcement staff are responsible for the implementation of this policy.

APPLICABILITY

This policy is applicable agency-wide.

PROCEDURES

Compliance Tracking Log(s)

1. ADEQ shall maintain an accurate, readily accessible crossmedia enforcement tracking log(s) that shows the current enforcement status of each facility that is the subject of enforcement action ("Log[s]). The Log(s) shall identify by facility, all outstanding Notices of Opportunity to Correct ("NOC"), Notices of Violation ("NOV"), Administrative Orders and Civil Judicial Enforcement activities. The Log(s) shall show the type of enforcement action taken, date of issuance, whether administrative or civil penalties are being sought, if the matter is a civil action, and whether injunctive relief is sought.

   Any matter on the Log(s) that is closed shall reflect the date of that closure and the disposition of the matter. Any matter on the Log(s) that is closed shall remain on the Log(s) for at least five years after being closed. The Log(s) also shall reflect the facility name, the owner/operator of the facility, the regulatory program, the facility/source identification number, and a phone number for the area where the file is located. Copies of the Log(s) shall be available to the public at the central and regional offices in accordance with the applicable public record laws.

Maintaining Facility Files

1. ADEQ shall maintain an up-to-date compliance and enforcement file on each facility that contains all compliance related

information. Copies of any compliance or enforcement related documents shall be placed in the relevant file within 30 days of receipt or generation by ADEQ, and any compliance or enforcement related information shall be entered into program compliance and enforcement databases within 30 days of receipt or generation.

2. ADEQ shall retain the compliance and enforcement files of all facilities currently permitted and/or licensed, and all documents, materials and information contained therein, for a minimum of five years.

Managing Informal Enforcement Actions

1. General Principles

   A. Except for violations identified and corrected during an inspection, ADEQ will take an enforcement action for every identified violation.

   B. ADEQ shall issue an NOV for any SNC violation.

   C. Nothing in this policy requires an NOC, a status letter or an NOV to be issued before issuing an administrative order, or seeking injunctive relief and civil penalties in Superior Court.

   D. After ADEQ determines that the facility has achieved compliance, a written notice of enforcement case closure shall be sent to the facility.

2. Inspections

   A. Notwithstanding any other provisions of this policy, ADEQ shall issue either an NOV or an NOC, for each violation identified during an inspection of a facility, including an inspection conducted during a complaint investigation, unless the violation is corrected before the conclusion of the inspection. If the violation is corrected before the conclusion of the inspection, ADEQ will note on the inspection report the nature of the violation and the manner in which it was corrected.

B. Where ADEQ discovers a violation or potential violation in the course of an inspection of a facility, ADEQ shall provide a copy of the inspection report to the facility representative at the time of the inspection, or by hand delivery or U.S. mail within 30 working days after the inspection's conclusion (see policy #0156.000 Inspection Procedures Policy, for further discussion of when an inspection concludes), or as otherwise required by federal law. The inspection report shall set forth all violations or potential violations identified during the inspection.

C. Where a violation is identified during an inspection, an NOC will be issued to a violator unless SNC exists. The ADEQ inspector shall issue an NOC or if the violation constitutes SNC, a notice of violation, to a facility representative within 45 days of the conclusion of the inspection.

D. If ADEQ issues an NOC, the notice shall specify a deadline by which the violation must be corrected, which shall not exceed 180 days after issuance of the NOC, and shall indicate that the facility must submit documentation of compliance to ADEQ on or before the deadline demonstrating that the violation has been corrected to avoid further inspection or enforcement action. Within 30 days of receipt of documentation of compliance from the facility, ADEQ shall examine the documentation to determine whether or not the facility has corrected the violation and notify the facility of its determination in writing.

If a facility fails to submit documentation of compliance to ADEQ on or before the deadline specified in the NOC, or if ADEQ determines that the documentation submitted by the facility does not demonstrate compliance, then within 180 days of the original inspection date, ADEQ shall either reinspect the facility or otherwise follow up to determine whether the facility has corrected the violation. If the facility submits documentation of compliance after the required submittal date but before a reinspection occurs, ADEQ may cancel the inspection upon a determination that the documentation demonstrates

correction of the violation. If, during a reinspection, or other follow up activities, ADEQ determines that a facility has failed to correct a violation after being given an opportunity to do so, ADEQ shall issue an NOV to the facility within 15 days of the date of the determination. ADEQ shall not issue more than one NOC to the same facility for the same violation.

E. On a monthly basis the inspector shall provide the violator with an action update letter indicating the status of any agency action resulting from the inspection. An update letter shall continue to be sent every month until:

1. the facility is notified that no action is necessary because the facility is in compliance;

2. an informal enforcement action is taken; or

3. a formal enforcement action is taken.

G. Notwithstanding any of the above, an inspector shall provide immediate oral and written notice of any violation that presents an imminent and substantial endangerment to human health or the environment. Such notice shall demand immediate action by the facility to abate the endangerment.

3. Self-Monitoring and Reporting

A. A program enforcing self-monitoring and reporting statutes shall review all self-monitoring and other compliance-related reports submitted by facility representatives and enter that information into that program's compliance and enforcement database within 30 days of receipt by ADEQ. If such reports reveal any violation constituting SNC, ADEQ shall, within 60 days of the required submittal date, send a written NOV to the facility owner or operator.

B. A program enforcing self-monitoring and reporting statutes shall establish a computerized reporting tracking system that automatically triggers a finding of

non-submittal whenever ADEQ fails to receive a legally required submittal from a facility within 30 days of the required submittal date. Within 30 days of a finding of non-submittal, ADEQ shall send a written NOV to the facility.

4. Notices of Opportunity to Correct

Every NOC shall include the following elements:

1. The factual nature of the violation.

2. The legal authority regarding compliance.

3. A description of what constitutes compliance and how it is to be documented.

4. A time frame in which ADEQ expects compliance to be achieved. Time frames shall require compliance within a reasonable period of time. Staff shall estimate a realistic time frame for compliance to be achieved. The notice shall further direct the facility to provide ADEQ with written notice that the violation has been corrected within the established time frame.

5. A statement that upon receipt of notice from the facility that the violation has been corrected, ADEQ will, within 30 days, determine if the facility has corrected the violation and notify the facility whether the violation has been corrected.

6. A statement that ADEQ may take any enforcement action authorized by law for the violation, if the facility fails to correct the violation, or ADEQ determines that the violation has not been corrected within the established time frame.

5. Notices of Violation

A. Every NOV shall include the following elements:

1. The factual nature of the violation

2. The legal authority regarding compliance.

3. A description of what constitutes compliance and how it is to be documented.

4. A time frame in which ADEQ expects compliance to be achieved. Time frames shall require compliance at the earliest possible date. Staff shall estimate a realistic time frame for compliance to be achieved. Any time frame greater than 120 days from the receipt of an NOV shall require either a consent order or an executed agreement for a consent decree and a compliance schedule. The notice shall further direct the facility to provide ADEQ with written notice of its compliance status at the end of the established time frame.

5. An offer to meet.

6. A statement of consequences, which shall provide that a failure to achieve timely compliance with the NOV will result in an administrative order or civil action requiring compliance within a reasonable time frame and/or substantial civil penalties and that achieving compliance does not preclude ADEQ from seeking civil penalties for violations as allowed in the statute.

B. After issuance of an NOV, face to face compliance meetings are encouraged. Each meeting shall conclude with a written statement by ADEQ which sets forth what occurred during the meeting and any agreements reached. The parties should initial the statement prior to the conclusion of the meeting.

C. The stated compliance time frame in an NOV is a firm limit. Any failure to meet the time frame, even though good faith efforts are being made, will be allowed by ADEQ only in a compliance schedule negotiated in the context of a consent order or consent judgement. If during the negotiation of a consent order there is an unreasonable delay in achieving compliance and/or evidence of bad faith negotiations, ADEQ shall issue a

unilateral administrative order and/or refer the case to the Attorney General for enforcement.

Status Letters

1. Status letters may only be used for violations that are not SNC or are not discovered during an inspection.

2. When ADEQ records indicate existing violations older than 180 days and an ADEQ action has not been initiated, a compliance status letter may be sent to a facility prior to the issuance of an NOV. The status letter shall state the compliance status of the facility based upon ADEQ records and that within 30 days of receipt of the letter, the facility shall submit evidence that (1) a previously identified violation has been corrected or (2) the violation does not exist.

3. The status letter shall further state that if there is no response, or the facility's response does not establish that the violation has been corrected or does not exist, an NOV will be issued at the end of the 30 day period. The status letter may offer the facility the opportunity to enter into a consent order or judgment if it wishes to avoid the issuance of a notice of violation.

Managing Formal Enforcement Actions

1. ADEQ shall diligently and expeditiously prosecute all enforcement actions.

2. ADEQ shall document all cases from the outset to meet the most stringent requirements of the legal system at any subsequent time in the compliance and enforcement process.

3. ADEQ shall conduct internal review of enforcement cases to advance cases through the compliance and enforcement continuum in a consistent and timely manner. ADEQ shall establish mechanisms that assure consistent and timely treatment, such as regular staff meetings on enforcement cases.

4. ADEQ shall maintain standardized wording to be included in consent orders and compliance orders.

5. Where appropriate, ADEQ shall utilize Attorney General assistance if facilities are represented by legal counsel negotiating consent orders.

6. In no event shall ADEQ staff grant oral waivers or modifications of legal requirements. Waivers and modifications may only be granted in writing and only under such circumstances as authorized by law. All waivers must be approved by the Division Director, Deputy Director or Director.

7. ADEQ shall issue a unilateral administrative order and if statutorily authorized, seek administrative penalties, or pursue judicially imposed injunctive relief and civil penalties if a facility fails to either comply with an NOC, NOV, or status letter, or enter into a consent order.

8. ADEQ shall seek injunctive relief and civil penalties with issuance of a unilateral administrative order or the referral of an enforcement action to the Attorney General. The referral will be made in a timely manner and, absent compelling circumstances, within 30 days after a facility has failed to either comply with an NOV or enter into a consent order.

Administrative Hearing Docket

ADEQ shall maintain a cross-media enforcement docket showing the status of every enforcement action, including date filed, nature of relief sought, date set for hearing or trial, and any disposition. This docket shall be open for public inspection. The docket shall be maintained by the Office of Administrative Counsel.

Enforcement Case
Priorities

In preparing enforcement referrals to the Attorney General's Office, each program will numerically prioritize enforcement cases considering the risk to human health and environment posed by the violations, the violator's indifference to the law, extent of deviation and the violator's previous enforcement history. This numeric prioritization shall be

communicated to the Attorney General's Office in the assistant attorney general assignment request memorandum. The Air Quality, Water Quality Assurance Fund, Hazardous Waste, Underground Storage Tank and Leaking Underground Storage Tank programs are not subject to this provision.

Compliance Enforcement Committee

ADEQ will maintain a cross-media compliance and enforcement committee ("CEC") with representation from each program to share information, problems and ideas and to coordinate cross-media cases through the enforcement process. The CEC shall consist of the managers of each enforcement and compliance section, or where a section has a compliance or enforcement unit, that unit supervisor. The committee shall be chaired by the Administrative Counsel.

Publication of Enforcement Information

1. ADEQ will issue a press release whenever a court enforcement action is filed or resolved. A press release may be issued when an administrative order is issued.

2. When a press release concerning a consent order is to be released, the facility and interested persons should be notified that a press release is being issued. The facility and interested persons are not entitled to amend or modify the press release.

0010.003 COMPLIANCE AND ENFORCEMENT POLICY

Level One **Arizona Department of Environmental Quality**

Originator: Edward Z. Fox, Director

Contact for Information: Mark R. Santana, Administrative Counsel

Issue Date: May 7, 1993 **Amended:** May 11, 2000

Next Review Date: May 11, 2002

APPROVED BY:

5/15/00
Jacqueline E. Schafer
Director, ADEQ Date

11 May '00
Richard W. Tobin, II
Deputy Director Date
ADEQ

5/11/00
Nancy C. Wrona
Director Date
Air Quality Division

5/11/00
David Esposito
Director Date
Waste Programs Division

5/12/00
Karen L. Smith
Director Date
Water Quality Division

5/11/00
John F. Timko
Director Date
Administrative Services Division

5.11.00
David St. John
Manager Date
Northern Regional Office

5/11/00
Charles H. Matthewson
Manager Date
Southern Regional Office

5/11/00
Mark R. Santana
Administrative Counsel Date
Office of the Administrative Counsel

APPENDIX P4

0025.000 DRINKING WATER SECTION APPLICATION OF PENALTY POLICY

Sponsor: Mary Simmerer

Issue Date: November 30, 1994

Next Scheduled Review Date: November 30, 1995

PURPOSE

The purpose of this policy is to provide additional information on the ADEQ Civil Penalty Policy as it relates to the Drinking Water Section.

POLICY

For the Drinking Water program, the following considerations form the basis of what needs to be calculated when determining the economic gain to the violator.

1. Fundamental economic gain considerations:

   A. Monitoring costs - All costs of all missed samples shall be calculated. The current cost of the missed sample shall be the basis on which cost is determined.

   B. Certified Operator costs - The cost of a certified operator shall be calculated based on the grade of operator required by the system on the date of the Notice of Violation. The average cost of a certified operator can be determined by the salary range utilized by various municipalities in the appropriate geographical locations.

   C. Cost of Public Notice - The cost of public notice shall be calculated based on current publishing/electronic media costs as appropriate.

   D. Cost of capital improvements, plans, modifications, and specifications - Cost of capital improvements, plans, modifications, and specifications **shall not** be considered. As only the interest gained on the money necessary to complete all capital improvements can be considered, and as such costs of capital improvements can be very difficult to calculate, the economic gain consideration is negligible.

2. Deterrent effect

The Drinking Water Program consists mainly of small systems, 95% of which serve less than 3,300 people. Often, the above economic considerations for these systems can be virtually non-existent. Therefore, the Drinking Water program is proposing a minimum fine

of $1000.00, when the economic gain calculation is insignificant.

3. Final penalty calculation - presumptive penalty

   A. Water systems base their rates on population served, and smaller systems have a lower economic base. However, drinking water regulations apply to all public water systems as defined in rule regardless of size. A small system may have the identical violation as a large system for the same length of time. Theoretically, the penalty amount would be the same, but the per capita amount would be far greater for a small system. In essence, the small system would bear a greater penalty for the same violation than a large system. To assure equity of penalties, the following calculations are to be performed and the lesser amount used as the starting base for all penalty calculations. Once the starting base is determined, then the adjustments are determined, and the final penalty is determined.

      (1.) Calculate the statutory maximum.

      (2.) Calculate the 50% of the statutory maximum, per the department's civil penalty policy.

      (3.) Multiply the population of the system by $2.00 per person. If this dollar amount is less than the $1000.00 minimum policy, use the $1000.00 amount. If this number is greater than 50% of the statutory maximum (step 2), use 50% of the statutory maximum. In all other cases, the population calculation should be used in place of the 50% maximum.

4. Length of Time

   A. All penalty calculations are to be determined from the date of issuance of the Notice of Violation.

   B. In those cases where no Notice of Violation was issued, i.e., an injunction, then the date used to calculate all penalties shall be the date of the last violation for which the injunction was issued.

5. Penalty Policy Adjustment Factors - Culpability Factors

   The seriousness of violation shall take into consideration all of the following:

   A. Seriousness of the violation - Shall include the population put at risk or potential risk, and the acute

or immediate threat of that risk. This factor may increase the 50% maximum and actual penalty up to 30%.

B. History of noncompliance - The history of noncompliance is determined by a historical analysis of the water systems file over the past five years. If, during that time, the system had one or more of the following, then the 50% maximum and actual penalty shall be increased as detailed below:

(1.) Notice of violation - Each notice of violation shall increase the 50% maximum and actual penalty by 10%.

(2.) Administrative order - Each administrative order, whether a consent order or a compliance order, shall increase the 50% maximum and actual penalty by 20%.

(3.) Emergency order - Each violation of an emergency injunction or order shall increase the 50% maximum and actual penalty by 30%.

C. Record of noncompliance - If there is evidence that the system has not only violated Drinking Water rules, but other environmental rules as well, then the 50% maximum and actual penalty calculation may be increased up to 10%.

D. Recalcitrance - Refusal to comply with Drinking Water requirements or directives shall be based on the historical record as far back as a clear pattern of non compliance can be established. In no case shall this pattern be considered further back than 10 years. Deliberate attempts to extend the negotiating process shall be considered evidence of recalcitrance. When any evidence of recalcitrance is established, the 50% maximum and actual penalty calculation may be increased up to 10%. If more than one recalcitrance pattern is established, the 10% increase is mandatory.

E. Duration of violation - The violation has continued over a period of time, with the violator's knowledge and no or minimal attempts have been made to correct the violation. This evidence is established upon historical review. The Notice of Violation date is the date from which the historical file is reviewed. When the duration of the violation (s) have been established, the 50% maximum and actual penalty calculation may be increased up to 10%.

F. Other evidence of bad faith - Unique bad faith factors, such as evidence of past efforts to acquaint the violator with applicable requirements; (letters,

telecons, meeting notes, newspaper articles quoting owners and operators), or acts of willful or gross negligence. When evidence of bad faith is established, the 50% maximum and actual penalty calculation may be increased up to 10%.

6. Penalty Policy Adjustment Factors - Mitigating Factors

   A. Good faith efforts - Timely corrective actions or attempts at corrective actions which were stymied by factors outside of the violator's control, ie permit requirements from other agencies, etc. When evidence of good faith is established, the 50% maximum and actual penalty calculation may be decreased up to 10%.

   B. Fault shared by other violator - If more than one responsible party is established, the penalty may be apportioned based on Drinking Water's knowledge of the facts and professional judgement. When the facts are established as to fault and responsibility, then the penalty may be apportioned up to 50% of the final assessed penalty.

   C. Ignorance of the law or regulation shall not be a reason to reduce the total penalty. It may be used to offset a percentage of the bad faith factor.

RESPONSIBILITY

The responsibility for implementation of the policy is that of the Compliance Tracking and Enforcement Unit manager with oversight and direction from the Drinking Water Program manager.

0025.000 DRINKING WATER SECTION - APPLICATION OF ADEQ PENALTY POLICY

Sponsor: Mary Simmerer

Issue Date: November 30, 1994

Next Scheduled Review Date: November 30, 1995

APPROVED BY:

Level Three

Water Quality Division:

12/8/94

Brian E. Munson Date
Director
Water Quality Division

11/30/94

Peggy Guichard-Watters Date
Section Manager
Drinking Water Section

The Policy Review Committee has posted, reviewed, and accepted this policy by motion as of November 23, 1994.

11.29.94

Susan Bentley-Johnston Date
Recording Secretary

APPENDIX P5

0172.000 INTAKE PROCEDURES FOR TAKING COMPLAINTS ALLEGING VIOLATIONS OF RULE OR STATUTE

Level One: **Arizona Department of Environmental Quality**

Originator: Mark R. Santana, Administrative Counsel

Contact for Information: Mark R. Santana, Administrative Counsel

Issue Date: May 11, 2000 **Next Review Date:** May 11, 2002

PURPOSE: The purpose of this policy is to provide guidance to ADEQ employees on complying with A.R.S. § 41-1010, Complaints, public record, while taking reports alleging violations of environmental laws or rules. A.R.S. § 41-1010 requires that an individual who reports a violation of law or rule to an agency disclose his/her name to that agency. A.R.S. § 41-1010 also provides that the complainant's name be kept as a public record unless that agency determines that the release of the complainant's name may result in substantial harm to any person or to the public health or safety. This policy is intended for the guidance of ADEQ personnel and does not create any substantive or procedural rights enforceable by a party in litigation against ADEQ or the State of Arizona. ADEQ reserves the right to act at variance with this policy.

AUTHORITY: A.R.S. § 41-1010

POLICY

ADEQ employees will adhere to the procedures set forth below in handling all reports where the complainant or informant (hereafter referred to as "Complainant") is alleging a violation of law or rule.

PROCEDURES: When any person reports a violation of the law or rule to an ADEQ employee, that employee should:

1. State his/her name, job title, ADEQ division, section and unit.

2. Obtain and document information regarding the violation.

3. Inform the Complainant that: "Arizona law requires you to provide your name during the course of reporting an alleged violation of law or rule. Under the law, your name will be placed in the public file unless the release of your name may result in substantial harm to any person, including yourself, or to the public health or safety. However, if you intend on remaining anonymous, ADEQ may not force you to identify yourself."

4. Ask for the Complainant's name and whether any harm could come to Complainant, another person or the public if the Complainant's identity were to become public. (DO NOT GUARANTEE THAT YOU WILL BE ABLE TO KEEP THE COMPLAINANT'S IDENTITY CONFIDENTIAL.)

5. If the Complainant indicates potential harm exists, the employee must obtain and document all the information regarding such harm, using follow-up questions as necessary. The employee should be specific about what the Complainant is worried about, what would happen if the Complainant's identity were to become public, and/or what the Complainant thinks would happen.

6. If the Complainant provides his or her name, obtain a telephone number so that the Complainant can be contacted for further information regarding the complaint or any claim of harm.

7. DO NOT place the name in the public record if the Complainant alleged substantial harm, until after consultation with your supervisor, Administrative Counsel, and/or the Attorney general.

8. Each program shall maintain a report log on an ongoing basis. Record in the report log refusals to provide identity, information on violations and telephone hang-ups. The log shall be archived in accordance with ADEQ's archive schedule, attached to ADEQ's Public Access to Public Records Policy, Policy #0033.001.

RESPONSIBILITY: All ADEQ employees. It is the particular responsibility of employee supervisors and section managers to ensure that the policy procedures are closely followed with respect

to telephone Complainants.

Attachment

0172.000 INTAKE PROCEDURES FOR TAKING COMPLAINTS ALLEGING VIOLATIONS OF RULE OR STATUTE

Level One **Arizona Department of Environmental Quality**

Originator: Mark Santana, Administrative Counsel

Contact for Information: Mark Santana, Administrative Counsel

Issue Date: May 11, 2000 **Next Review Date:** May 11, 2002

APPROVED BY:

Jacqueline E. Schafer 5/15/00
Director, ADEQ Date

Richard W. Tobin II 11 May 00
Richard W. Tobin II,
Deputy Director, ADEQ Date

5/11/00
Nancy C. Wrona
Director Date
Air Quality Division

5/11/00
David Esposito
Director Date
Waste Programs Division

5/12/00
Karen L. Smith
Director Date
Water Quality Division

5/11/00
John F. Timko
Director Date
Administrative Services Division

5-11-00
David St. John
Manager Date
Northern Regional Office

5/11/00
Charles H. Matthewson
Manager Date
Southern Regional Office

5/11/00
Mark R. Santana
Administrative Counsel Date
Office of Administrative Counsel

COMPLAINT REPORT LOG -- *Name of unit or section*

Date:

Time:

Name of Caller:*

Anonymous:

Hang up:

Information Provided:

***In accordance with A.R.S. § 41-1010, the complainant shall disclose his or her name unless the complainant or the agency determine that the release of the complainant's name may result in substantial harm to any person or to the public health or safety.**

APPENDIX P6

0014.001 CRIMINAL INFORMATION TRANSMITTAL POLICY

Level One **Arizona Department of Environmental Quality**

Originator: Mark R. Santana, Administrative Counsel
Office of Administrative Counsel

Contact For Information: Mark R. Santana

Issue Date: August 4, 1994 **Amended:** February 9, 1996

Review Date: February 9, 1997

PURPOSE

This policy creates a systematic, predictable method for transmitting information concerning potentially criminal activity to the Attorney General's Office. The policy will insure that all transmittals will receive legal review before being forwarded to the Attorney General's Office. It will create a single location for all referrals: the Office of Administrative Counsel.

POLICY

ADEQ staff who have information concerning potentially criminal activity shall prepare a brief memorandum concerning the suspected criminal activity and submit it to the Office of Administrative Counsel (OAC). ADEQ's administrative counsel will review the memorandum. If it appears to OAC that criminal activity may have occurred, the memorandum, and an accompanying transmittal form will be transmitted to the Chief Counsel, Environmental Enforcement Section, Office of the Attorney General. OAC will notify the division directors of the transmittals and determine whether there is any corresponding civil action. The director will be informed by OAC of all transmittals.

PROCEDURES

1. The staff memorandum to OAC shall contain the following elements:

   A. A description of the relevant facts.

   B. A citation to the statutes/regulations which staff believes have been violated.

   C. The name of the ADEQ contact.

   D. A form of this memorandum (potential criminal activity memo) is attached.

2. Staff may contact the AGO investigations unit directly under the following circumstances: a) an ongoing crime or where the

taking of samples is time sensitive; b) there is a likelihood that evidence is being destroyed or witness is being intimidated; c) an informant has called ADEQ and would like to cooperate. Where an investigation is instigated under this subsection, the staff will orally notify the OAC as soon as possible following the AGO contact. The administrative counsel may request that the staff provide OAC with a memorandum concerning the incident. The staff memorandum shall contain the elements outlined in item 1.

3. Phone calls and information may be exchanged freely at the inspector level concerning criminal information transmittals.

4. The administrative counsel and the AGO criminal unit chief will meet every 180 days to discuss the status of criminal matters that have been transmitted to the AGO during the previous 180 day period. The administrative counsel will report the results of this meeting to the director.

RESPONSIBILITY

Responsibility for enforcing policy guidelines lies with the division directors.

0014.001 CRIMINAL INFORMATION TRANSMITTAL POLICY

Level One **Arizona Department of Environmental Quality**

Originator: Mark R. Santana, Administrative Counsel
Office of Administrative Counsel

Contact For Information: Mark R. Santana

Issue Date: August 4, 1994 **Amended:** February 9, 1996

Review Date: February 9, 1997

APPROVED BY:

Arizona Department of Environmental Quality:

2/9/96
Russell F. Rhoades Date
Director, ADEQ

2/9/96
Karen J. Heidel, Ph.D. Date
Deputy Director, ADEQ

2/9/96
Nancy C. Wrona Date
Director
Air Quality Division

2/9/96
for Ethel R. DeMarr Date
Director
Waste Programs Division

2/9/96
Kimberly W. MacEachern Date
Director
Water Quality Division

APPENDIX P7

0137.000 RCRA CIVIL PENALTY POLICY

Level Three **Hazardous Waste Section**

Originator: Dennis Clayton

Contact For Information: Lupe Buys, Hazardous Waste Compliance Manager

Issue Date: May 30, 1998

PURPOSE

The purpose of this policy is to provide a penalty calculation methodology specific to the Hazardous Waste Section pursuant to the ADEQ Civil Penalty Policy, policy #0015.000. This policy will adopt the penalty calculation methodology contained in the federal RCRA Civil Penalty Policy. For historical document, see Agency Substantive Policy WPSP1 available in the library.

POLICY

The Hazardous Waste Section will apply the methodology described in the federal Environmental Protection Agency's RCRA Civil Penalty Policy in implementing the ADEQ Civil Penalty Policy. The RCRA Civil Penalty Policy contains a methodology that defines and details a process used to evaluate a gravity-based penalty and assesses a monetary penalty. The methodology will be applied both to administrative civil penalty orders made pursuant to A.R.S. § 49-923 and to negotiated settlements of civil penalty lawsuits brought pursuant to A.R.S. § 49-924. The calculations made under the RCRA Civil Penalty Policy will:

1. Determine an appropriate penalty, and
2. Explain and document the process by which ADEQ arrived at the penalty figure.

In the event that any provision of this policy is inconsistent with the ADEQ Civil Penalty Policy, the ADEQ Civil Penalty Policy shall control.

RESPONSIBILITY

Ultimate responsibility for enforcing the policy lies with the Hazardous Waste Compliance Unit, as approved by the Hazardous Waste Section manager. Technical decisions may be delegated to compliance officers with the Compliance Unit manager assuming full responsibility at the request of the section manager.

0137.000 RCRA CIVIL PENALTY POLICY

Level Three **Hazardous Waste Section**

Originator: Dennis Clayton

Contact For Information: Lupe Buys, Hazardous Waste Compliance Manager

Issue Date: May 30, 1998

APPROVED

Level Three

5/27/98

Jean A. Calhoun Date
Division Director
Waste Programs Division

5/27/98

Timothy S. Hudson Date
Section Manager
Hazardous Waste Section

The Policy Review Committee has posted, reviewed, and accepted this policy by motion as of December 3, 1997.

5.27.98

Susan Bentley-Johnston Date
Policy Management System Administrator

APPENDIX P8

0156.000 INSPECTION PROCEDURES POLICY

Level One **Arizona Department of Environmental Quality**

Originator: Russell F. Rhoades
Director

Contact for Information: Mark R. Santana, Administrative Counsel

Issue Date: July 31, 1998

PURPOSE

The purpose of this policy is to set forth the protocols to be followed by Arizona Department of Environmental Quality (ADEQ) employees who will be conducting on-site inspections. This policy identifies how ADEQ inspectors will comply with A.R.S. § 41-1009, "Inspections; applicability."

AUTHORITY A.R.S. § 41-1009

DEFINITIONS

"Agency Action" means taking action based upon an inspection, including but not limited to:(1)notifying the regulated person or authorized on-site representative that no action will result from the inspection;(2)taking informal or formal enforcement action;(3)referring the matter to another agency for appropriate action; and(4)making a permit decision.

"Facility" means any site which is, or may be subject to ADEQ regulation.

"Formal Enforcement Action" means, but is not limited to, issuing an administrative enforcement order, offering the opportunity to enter into a consent order, filing a civil lawsuit seeking civil penalties and/or injunctive relief.

"Informal Enforcement Action" means but is not limited to, issuing a notice of opportunity to correct, a notice of violation, or status letter.

"Inspection" means a review or examination of a facility for the purpose of determining:(1)compliance with environmental statutes or rules or(2)compliance with, or eligibility for, a license.

"License" means an ADEQ permit, certificate, approval, registration, or similar permission required by law.

"Regulated Person" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization or another state agency, who is responsible for ensuring that the facility is in compliance with environmental statutes, rules or licenses.

"Authorized On-Site Representative" means an individual who is employed in a managerial capacity at the facility or who has been designated by an officer or manager at the facility to represent the facility during the inspection.

POLICY

When conducting an inspection at a facility, the ADEQ employee shall:

1. Upon entering the facility, show the ADEQ photo identification to the regulated person or the authorized on-site representative, if any.

2. Upon entering the facility, provide the following information to the regulated person or the authorized on-site representative:

   a. The purpose of the inspection.

   b. The legal authority for conducting the inspection.

   c. Any applicable fees that may be charged for the inspection.

   d. That the regulated person or the authorized on-site representative is entitled to accompany the inspector during the inspection, including being present for any interview, except confidential interviews.

   e. That if any original documents are taken by an ADEQ employee during the inspection ADEQ, if requested, will provide copies of those documents at its expense, to the regulated person or the authorized on-site representative.

   f. The regulated person or the authorized on-site representative is entitled to a split of any sample(s) taken during the inspection unless the split of the sample(s) would prohibit the analysis from being conducted or render the analysis inconclusive.

   g. The regulated person or the authorized on-site representative is entitled to copies of any analysis performed on samples taken during the inspection. ADEQ will provide such copies at its expense.

3. Provide the regulated person or the authorized on-site representative with a "Notice of Inspection Rights" form (Attachment"B"), review the document with the regulated person or authorized on-site representative and request that the person/representative sign two copies of the form. One copy will be provided to the regulated person or authorized on-site representative; the remaining copy will be placed in the facility file.

If the person/representative declines to sign the documents, the inspector shall so note that decision on the forms and provide one copy to the person/representative. The other copy shall be placed in the facility file. If the person/representative is not present, the inspector shall so note and both copies shall be placed in the facility file.

4. Inform each person whose conversation with the inspector is tape recorded during the inspection that the conversation is being recorded.

5. Before interviewing any person during an inspection, inform the person to be interviewed that the statements made by that person may be included in the inspection report.

6. The ADEQ employee will give a copy of the inspection report to the person or on-site representative at the time of the inspection or within thirty working days after the conclusion of the inspection (an inspection may not conclude until there has been sufficient time to evaluate information collected, await and evaluate analytical results of samples taken, or make an additional visit to the facility). If the report is not provided at the time of the inspection, it must be hand delivered or sent by U.S. mail by the thirtieth working day, following the conclusion of the inspection.

7. At least once every month, after the commencement of the inspection the inspector shall provide the regulated person with an update on the status of any action resulting from an inspection until ADEQ takes an agency action. The update notification shall be provided as set forth in Attachment "C" or a similar document.

RESPONSIBILITY

All ADEQ employees who conduct inspections, or who manage or supervise inspection activities are responsible for implementing this section.

APPLICABILITY

This policy applies to all instances where an ADEQ employee will be conducting an inspection to determine (1) license compliance (2) the eligibility of a facility for a license, or (3) whether Arizona environmental statutes or rules have been violated. ADEQ recognizes that A.R.S. § 41-1009.A-H. does not apply to compliance and enforcement inspections that do not concern license compliance or eligibility (see A.R.S. § 41-1009.J). As a matter of policy, ADEQ believes that it is in the best interests of the public and the agency that all ADEQ compliance and enforcement inspections conform to A.R.S. §41-1009.A-H.

This policy does not apply to criminal investigations or inspections where the ADEQ employee conducting the inspection has a reasonable suspicion to believe that criminal activity is occurring at the facility. Where an inspector has such a suspicion, the inspector should document the circumstances that created the

suspicion and report it to his supervisor either by immediate telephone call or upon return to ADEQ.

This policy is inapplicable to on-site visits whose primary purpose is other than determining license eligibility compliance status or whether enforcement action is necessary. A list of those agency activities that are not subject to this policy is attached as exhibit "A". This list is not necessarily complete; additional agency activities may also be exempt from this policy. Exempt activities may be added to the list by filing a written request with the Office of the Administrative Counsel (OAC). The administrative counsel after consulting with the appropriate division director, may amend the list to include the additional activity.

ATTACHMENTS

Attachment A -- List of Exempt Activities

Attachment B -- Notification of Inspection Rights Form

Attachment C -- Agency Action Update Letter Form

ATTACHMENT #A

LIST OF EXEMPT ACTIVITIES

- Technical or Compliance Assistance Visits, including site specific pollution prevention activities
- Meetings to Negotiate Permits, Enforcement Actions or Property Access
- Site visits for Employee Training or "Open House" Tours
- Rule, Policy and Guidance Development Meetings
- Professional Meetings and Conferences
- Community Outreach/Education Activities
- Enforcement Follow-up Visits which are part of an original inspection including site visits to determine whether deficiencies have been corrected pursuant to A.R.S. § 21-1009.F and split sampling to determine that remediation has been completed.
- WQARF Liability Allocation Meetings
- Pollution Prevention Partnership Meetings
- Site Visits for Voluntary Remediation
- Site Visits for Risk Assessment Development
- Site Visits related to Pollution Prevention Plans
- Site Visits to Oversee Grant Expenditures (e.g., Recycling)
- Emergency Response, Assessment/Containment/Removal Activities
- Observing site investigation activities relating to WQARF and LUST remedial projects.
- Technical assistance visits by the Hydrologic Support and Assessment Section, or any successor section, for purposes of providing guidance to other ADEQ programs or the regulated community for conducting bioassessment sampling.
- Site visits by the Hydrologic Support and Assessment Section, or any successor section, for purposes of collecting surface or groundwater, soil sediment or biological samples to be analyzed for exceedances of applicable standards where the site visit is not being conducted for compliance/enforcement purposes and/or is not associated with a regularly scheduled inspection.
- Samples collected by the Hydrologic Support and Assessment Section, or any successor section, for the purpose of general chemical, physical or biological assessment of a surface water body to meet the requirements of Section 305(b) of the Clean Water Act.
- Monitoring sampling activities conducted by the Hydrologic Support and Assessment Section, or any successor section, pursuant to the Pesticide Contamination Prevention Program, A.R.S. § 49-307-08, and A.R.S. § 49-225, the Ambient Water Monitoring Program.

- Field activities undertaken by the Superfunds Programs Section to support remedial investigations, feasibility studies, the liability of potentially responsible parties, interim remedial actions and remedies.

Attachment B

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
NOTICE OF INSPECTION RIGHTS

FACILITY INFORMATION	ADEQ INFORMATION
Facility Name: _____	Date of Inspection: ___/___/___ Time: _____
Facility Location: _____	County: _____
_____	Inspection By: _____
Mailing Address: _____	Accompanied By: _____
_____	_____
Regulated Person's Name: _____	_____
Regulated Person's Telephone _____	Follow-up Facility Contact: _____
On-site Representative's Name: _____	Title: _____
On-site Representative's Title: _____	Telephone:_____
On-site Representative's Telephone: _____	

The ADEQ representative(s) identified above were present at the above address at the above listed date and time. Upon entry to the premises, the ADEQ representative(s) met with me, presented photo identification indicating that they are ADEQ employees and explained:

- That the purpose of this inspection is:
  ___ To determine compliance with A.R.S. § _____ and/or Arizona Administrative Code (AAC) _____.
  ___ To determine qualification for licensure pursuant to A.R.S. § _____ and/or AAC _____.
  ___ To determine compliance with a license issued pursuant to A.R.S. § _____ and/or AAC _____.
  ___ Other: _____.

- That this inspection is being conducted pursuant to Arizona Revised Statute § _____ and/or Arizona Administrative Code _____.

- The fee for this inspection is _____.

- _____ No fee is charged for this inspection.

- I understand that I can accompany the ADEQ representative(s) on the premises, except during confidential interviews.
- I understand that I have right to:
  a) Copies of any original documents taken during the inspection, and that ADEQ will provide copies of those documents at ADEQ's expense.
  b) A split of any samples taken during the inspection, if the split of the samples would not prohibit an analysis from being conducted or render an analysis inconclusive. I do ____ do not _____ wish to have splits of any samples taken.
  c) Copies of any analysis performed on samples taken during the inspection and that ADEQ would provide copies of this analysis at ADEQ expense.

I also understand that:

- Each person interviewed during the inspection will be informed that statements made by the person may be included in the inspection report.
- Each person whose conversation is tape recorded during the inspection will be informed that the conversation is being tape recorded.
- If an administrative order is issued or a permit decision is made based on the results of the inspection, I have the right to appeal that administrative order or permit decision. I understand that my administrative hearing rights are set forth in A.R.S. § 41-1092 *et seq.* and my rights relating to an appeal of a final agency decision are found in A.R.S. § 12-901 *et seq.* I also understand that a Notice of Violation or a Notice of Opportunity to Correct is not appealable.
- If I have any questions or concerns about this inspection, I may contact either the representative(s) at ( ) or _____ Unit Manager, ADEQ, Section _____ at ( ) _____.
- If I have any questions or concerns about this inspection I may also contact: _____ Ombudsman at ( ) _____ or the ADEQ Ombudsman at (602) 207-4248.
- If I have any questions concerning my rights to appeal an administrative order or permit decision, I may contact the Office of Administrative Counsel at (602) 207-2212.

While I have the right to decline to sign this form, the ADEQ representatives may still proceed with the inspection/investigation.

[ ] I have read this Notification and discussed any questions or concerns with the ADEQ representatives.

_____
Regulated Person or Authorized On-Site Representative

[ ] _____ refused to sign the Notification.

[ ] The regulated person or authorized on-site representative is not present at the facility.

ADEQ Representative's Signature: _____

Attachment C

AGENCY ACTION UPDATE LETTER

[Date]

[Site Reference Number/Info]

[Name of Regulated Person]
[Address]

RE: Update of ADEQ Action Resulting from On-Site Inspection

Dear **[Regulated Person]**:

This letter constitutes the monthly update on the status of ADEQ action resulting from ADEQ's inspection at the above-referenced site on **[Date of Inspection]**, as required by A.R.S. § 41-1009.H. In providing this update, ADEQ has reviewed only action resulting from this inspection, and has not considered other information that may be in ADEQ's files for this site or any action unrelated to this inspection.

The current status of ADEQ action resulting from the above-referenced inspection is as follows (applicable items are checked):

_____ 1. Transmitting samples to laboratory; awaiting results

_____ 2. Analyzing sample data/reviewing sample analysis

_____ 3. Preparing inspection report

_____ 4. Reviewing and analyzing inspection report

_____ 5. Determining appropriate ADEQ response to identified violations

_____ 6. Awaiting response from your facility

_____ 7. Other

If you have any questions regarding this update, you may contact the undersigned at the phone number provided.

Sincerely,

[Name of ADEQ Personnel]
[Phone Number]

0156.000 **Inspection Procedures Policy**

Level One **Arizona Department of Environmental Quality**

Originator: Russell F. Rhoades, Director

Contact for Information: Mark R. Santana, Administrative Counsel

Issue Date: July 31, 1998

APPROVED BY:

Arizona Department of Environmental Quality:

7/31/98
Russell F. Rhoades
Director, ADEQ Date

7/31/98
John F. Hagen
Deputy Director, ADEQ Date

7/31/98
Nancy C. Wrona
Director Date
Air Quality Division

7/31/98
Jean A. Calhoun
Director Date
Waste Programs Division

7-31-98
Ed Sadler
Director Date
Water Quality Division

7/31/98
John F. Timko
Director Date
Administration Division

7/31/98
David St. John
Manager Date
Northern Regional Office

7/31/98
Charles H. Matthewson
Manager Date
Southern Regional Office

7/31/98
Mark R. Santana
Administrative Counsel Date
Office of the Administrative Counsel

APPENDIX P9

0098.000 SITE ACCESS POLICY

Level One **Arizona Department of Environmental Quality**

Originator: Mark R. Santana, Administrative Counsel

Contact For Information: Mark R. Santana

Issue Date: March 3, 1997

PURPOSE

The purpose of this policy is to ensure that any entry onto a regulated facility, or any other property, whether publicly or privately owned, is performed lawfully and with respect for private property rights.

DEFINITIONS

For the purposes of this policy and procedures:

"PRIVATE PROPERTY" means 1) any regulated facility or 2) other property, whether publicly or privately owned, that is not open or accessible to the general public including areas within property open to the general public, to which public access is restricted.

"OWNER" means the owner, owner's agent, operator, operator's agent, or anyone in control of a property or facility, or anyone with apparent authority to grant access.

"CONSENT" means permission 1) either expressed orally, or in writing, or 2) notification where legal authority exists to enter without consent.

POLICY

It is ADEQ's policy to protect the public health, protect the legal standing of ADEQ and its employees, the rights of private property owners, the safety of ADEQ employees in the exercise of ADEQ's authority to enter property to inspect and determine compliance with the environmental laws of the state. Except in emergency situations as described in paragraph 9 of the procedures, no ADEQ employee shall enter private property in the performance of ADEQ activities (1) without obtaining the consent (implied or express, see definition above) of the property owner or a judicial warrant or order and (2) without following the procedures set forth in this document.

RESPONSIBILITY

The Office of Administrative Counsel (OAC), all unit or section managers and all employees whose duties may require entry upon private property shall be responsible for implementing this policy.

PROCEDURES

1. ADEQ employees should not enter private property without either the consent of the owner or a judicial warrant or order. Unannounced inspections are permitted so long as permission is established prior to, or immediately following entry. No consent is necessary for observation of activities or conditions in plain sight made from beyond the property line.

2. Prior to entry to property, employees should determine whether the property is public or private. Employees should be aware that streets, roads and other areas presumed to be public, may in fact be private. If questions exist, employees may contact OAC or where there is an enforcement case, the assigned assistant attorney general for assistance.

3. Prior to entry to private property, employees should make reasonable efforts to determine the owner of the property. If questions exist, employees may contact OAC or where there is an enforcement case, the assigned assistant attorney general for assistance.

4. Except where legal authority exists to enter without consent (regulated facilities), prior to entry to property, employees should request and receive the consent of the owner. An employee may enter the property to obtain consent, but must immediately leave the property if consent cannot be obtained. If relying upon verbal permission, employees should record the time, place and source of the verbal permission in the facility file. If the employee knows the party is unable to give consent, the employee should not enter the property. Rather the employee should locate an individual who has the ability to give consent. Employees should not rely upon verbal permission from persons who have caused entry problems in the past, if those problems remain unresolved. If questions exist, employees may contact OAC or where this is an enforcement case, the assigned assistant attorney general for assistance.

5. Employees should report any entry problems, or any information that may suggest future entry problems, to their unit or section manager and OAC. OAC will report any such information to the members of the Compliance and Enforcement Task Force.

6. Employees may consult with OAC before dealing with any unfamiliar site/facility. If any significant problems are

anticipated, employees should arrange the cooperation of local law enforcement agencies. If local law enforcement agencies are known or expected to be uncooperative, arrange the assistance of the Arizona Attorney General's Office or the Arizona Department of Public Safety. If questions exist, employees may contact OAC or where there is an enforcement case, the assigned assistant attorney general for assistance.

7. If problems, including potential confrontations with owners, law enforcement officers, or third parties develop or might develop prior to, during and after, entry to carry out an inspection or any other official purpose, employees should contact OAC or the Attorney General's Office (AGO) immediately. Employees **shall not** use force to effectuate entry or enter without a search warrant if the owner denies entry. If consent is withdrawn after entry, ADEQ employees should leave immediately. In no event shall ADEQ employees remain on a property after being asked or directed to leave by the owner, unless entry has been made pursuant to judicial warrant or order, or the emergency provisions of paragraph 9.

8. Under no circumstances should employees resist, or interfere with, the actions of any law enforcement officer, whether or not that officer's actions are justified.

9. Where there is a release or discharge or threat of release or discharge that may present an imminent and substantial danger to the public health, welfare, or the environment, and the owner of the property cannot be immediately identified and consent to enter obtained, ADEQ employees may enter the property to evaluate the threat to the public health or take corrective action(s). If questions arise concerning whether such emergency action is necessary, and time permits, OAC or AGO should be consulted.

10. The principles set forth in this policy are intended to provide guidance to ADEQ staff and are not intended to create or recognize any legally enforceable right in any person.

0098.000 SITE ACCESS POLICY

Level One **Arizona Department of Environmental Quality**

Originator: Mark R. Santana, Administrative Counsel

Contact for Information: Mark R. Santana

Issue Date: March 3, 1997

APPROVED BY:

Arizona Department of Environmental Quality:

3/3/97

Russell F. Rhoades
Director, ADEQ Date

3-3-97

Karen J. Heidel, Ph.D.
Deputy Director, ADEQ Date

3/3/97

Nancy C. Wrona
Director, Date
Air Quality Division

3-3-97

Ethel DeMarr
Director, Date
Waste Programs Division

3-3-97

Karen J. Heidel, Ph.D.
Acting Director, Date
Water Quality Division

APPENDIX P10

0118.001 ENFORCEMENT WAIVER POLICY (SMALL BUSINESS)

Level One **Arizona Department of Environmental Quality**

Originator: Russell F. Rhoades, Director

Contact for Information: Mark R. Santana, Administrative Counsel

Issue Date: March 10, 1997 **Amended: May 1, 1998**

PURPOSE

This policy is intended to promote environmental compliance among small businesses by providing an enforcement waiver program which will encourage voluntary disclosure of violations, utilization of the ADEQ Compliance Assistance Section and the use of environmental audits. In order to obtain an enforcement waiver, the policy requires small businesses to qualify for the policy, report all violations to ADEQ and remedy all violations discovered by environmental audits or ADEQ's Compliance Assistance Section. The purpose of this policy is to guide the agency in determining whether an enforcement waiver should be granted, and no person is entitled to such a waiver as a matter of right pursuant to this policy.

DEFINITIONS

Compliance Assistance consists of Technical Assistance provided by ADEQ, with the addition of on-site compliance audits formally requested by a small business along with the Enforcement Waiver Policy for qualifying small businesses. Compliance assistance is only offered to small businesses. Compliance assistance does not include compliance inspections, notices of violation (NOVs), status letters, or enforcement actions conducted pursuant to the ADEQ Compliance and Enforcement Policy.

Compliance Assistance Section means the ADEQ section which is dedicated to providing the regulated community with information and education concerning environmental requirements. The compliance assistance educational program will emphasize small business concerns and will provide environmental compliance audits for small businesses as defined in this policy.

Compliance Audit Team (CAT) is an ad hoc group of ADEQ staff assembled to perform multi-media environmental compliance audits for qualifying facilities who request the service. The team is comprised of Compliance Assistance staff and/or pertinent members of Air, Waste, and Water Divisions, depending on small business compliance issues.

Compliance Agreement is an agreement which identifies any existing violations and the environmental requirements that have been violated. The agreement provides a description of compliance, how

it is to be documented, and a corrective action schedule to which both parties agree. Violation of the agreement will result in an enforcement action.

Environmental Compliance Audit is defined as a systematic, documented, and objective review of facility operations and practices related to meeting environmental requirements. An environmental compliance audit will identify current regulatory issues and allow for development of a plan for resolving these issues. An ADEQ Environmental Compliance Audit may be conducted as part of an ADEQ compliance assistance on-site visit, by a third party consultant/contractor, or by the small business's employees.

Environmental Requirement refers to any applicable federal, state or local environmental law, permit or rule.

Enforcement Action is an NOV, administrative order, or civil action seeking civil penalties (but not injunctive relief, see Applicability ¶ 2, infra) or referral for a criminal prosecution for violation of an environmental requirement.

Small Business is defined as a concern, including its affiliates, which is independently owned and operated and which employs less than twenty full-time employees or had a gross income of less than two million dollars in its last fiscal year.

Technical Assistance is information, education and assistance provided by ADEQ to small businesses by phone, fax, guidance document, fact sheet, seminar, or other method of delivery as a result of normal business activities, informal requests or enforcement actions.

APPLICABILITY

1. This policy applies to all small businesses as defined above, who meet the qualifications set forth in the following section. Municipalities, counties, and other local governments are not eligible for this policy. Drinking water systems operated by non profit businesses are not eligible for this policy. If a business does not meet the definition of small business, an enforcement waiver will be considered on a case by case basis.

2. This policy does not include civil actions for injunctive relief or a temporary restraining order to address violations not covered under Section A4 infra, but which in ADEQ's opinion, require immediate compliance with environmental requirements.

3. This policy does not apply to the 1) Leaking Underground Storage Tank Program, 2) State Assurance Fund Program, 3) all activities conducted by ADEQ in the state and federal superfund programs, 4) Vehicle Emissions Program, and 5) Drinking Water Programs owned by entities that do not meet

this policy's definition of small business. This policy applies to the 1) Hazardous Waste Management Program, 2) Solid Waste Program, 3) Special Waste Program, 4) Drinking Water Program owned by small businesses (as defined in this policy), 5) Underground Storage Tank Program, 6) Title V Air Programs, 7) Non-title V Air Program, 8) Surface Water and Ground Water Regulating Programs, and 9) Asbestos NESHAPS Program.

4. **This policy does not waive any applicable unpaid or delinquent fee, tax or penalty that may be owing to ADEQ. This policy also does not apply to any enforcement action that results from a failure to pay fees, taxes or civil penalties.**

5. This policy applies only to ADEQ delegated programs. This policy does not apply to delegated local agencies except for the Pima County Department of Environmental Quality and the Maricopa County Environmental Services Department.

POLICY

A. ADEQ may not undertake enforcement actions and if applicable, may waive enforcement action (as defined by this policy) for voluntarily disclosed violations by small businesses if the following seven requirements are met:

   1. The violation was identified and reported voluntarily and not through legally mandated monitoring or sampling requirement prescribed by statute, regulation, permit, judicial or administrative order.

   2. The disclosure occurred before the violation was discovered by ADEQ unless the disclosure occurred during an on-site compliance assistance audit.

   3. The disclosure was made in writing to ADEQ within 10 business days of the violation's discovery.

   4. ADEQ has determined that:

      a. The violation is not one that may present an imminent and substantial endangerment to public health or the environment;

      b. The violation has not caused actual serious harm to public health, safety or the environment;

      c. The violation does not involve criminal conduct; and

      d. The violation does not violate the specific terms of any judicial or administrative order or compliance agreement.

   5. The small business has made a good faith effort to comply

with applicable environmental requirements by either:

a. Discovering the violation through an environmental compliance audit conducted by the business or an independent contractor, and disclosing to ADEQ all violations discovered; or

b. Discovering the violation during an on-site visit conducted by the ADEQ compliance assistance program.

6. The small business was not previously subject to a notice of violation, citizens suit, or other enforcement action by a government agency for a violation of that particular requirement within the previous twelve months.

7. The small business must cooperate as requested by ADEQ to obtain the benefit of this policy. Cooperation includes, at a minimum, providing all requested documents and access to employees and assistance in investigating the violation, any noncompliance problems related to the disclosure, and any environmental consequences related to the violations.

B. If requirements A.1-A.7 are met, the enforcement waiver may be offered by the director. If accepted, the enforcement waiver will remain effective provided that the business corrects the violation(s) within the following time limitations:

1. Violations are corrected within the shortest practicable time period, not to exceed 120 days following detection.

2. If a violation cannot be corrected within 90 days of detection, the business must enter into a compliance agreement by the 120th day which will include a written corrective action schedule detailing the work to be completed and the timelines to be followed. Correcting the violation includes remediating any environmental harm associated with the violation, as well as implementing steps to prevent or minimize a recurrence of the violation.

C. This policy does not apply if the small business received waiver pursuant to this policy for violation of the same or a similar requirement within the past three years.

D. Failure to correct the violation(s) in accordance with Subsection A subjects the business to enforcement action.

E. Information obtained from any business requesting enforcement waiver assistance will be considered non-confidential or non-proprietary, and will be made available to the public unless the facility requesting and receiving assistance notifies ADEQ otherwise. Upon receipt of the Facility Compliance Report,

the facility has 60 days to notify ADEQ of any information in the final report that should be removed or considered confidential under Arizona law before the report is released to the public. See A.R.S. §§ 49-205(A)(1), 49-243(N), 49-432(C)(1), 49-928, 49-967, 49-1012.

F. The Compliance Assistance Section shall maintain a public record reflecting the number of requests for enforcement waivers received, the number of enforcement waivers granted, and the number of violations associated with each request. Proposed denials of enforcement waivers will be delivered to the director and will include a brief explanation for the denial, for example: imminent and substantial endangerment, criminal conduct, enforcement action already under way by a county, disclosure not timely made, etc. The proposed denials are confidential because they are covered by the executive deliberative privilege. Upon receiving a proposed denial, the director shall provide an opportunity to the small business to consult with the director and an opportunity to withdraw the waiver request. If the company does not withdraw the request, the director shall either deny or grant the waiver request.

G. This policy sets forth internal guidelines which amend ADEQ's enforcement and penalty policies in situations involving voluntary self-policing, disclosure and correction. In conjunction with the applicable penalty policy, these guidelines will aid ADEQ personnel in proposing waiver penalties or negotiating settlements in administrative and judicial enforcement actions. The policy also serves to structure the agency's enforcement authority and states the agency's view as to the proper allocation of its enforcement resources. Deviations from these guidelines, where merited, are authorized so long as the reasons for the deviations are documented.

H. This policy is not a final agency action, but intended solely as guidance. It is not intended, nor can it be relied upon, to create any rights enforceable by any party in litigation with the State of Arizona. ADEQ officials may decide to follow the guidance provided in this policy or to act at variance with the guidance based on analysis of case-specific facts and circumstances. Application of this policy to the facts of any individual case is at the sole discretion of ADEQ and is not subject to review by any court. In addition, the policy has no effect on the calculation of any cleanup costs, remedial costs, natural resources damages or emergency response costs associated with a violation. ADEQ reserves the right to change this policy at any time without public notice.

I. To the extent that existing ADEQ enforcement policies are not inconsistent, they will continue to apply in conjunction with this policy.

RESPONSIBILITY

The Compliance Assistance Section, section managers, division directors and Office of Administrative Counsel are responsible for implementation of this policy.

0118.001 ENFORCEMENT WAIVER POLICY (SMALL BUSINESS)

Level One **Arizona Department of Environmental Quality**

Originator: Russell F. Rhoades, Director

Contact for Information: Mark R. Santana, Administrative Counsel

Issue Date: March 10, 1997 **Amended:** May 1, 1998

APPROVED BY:

Arizona Department of Environmental Quality:

5/1/98
Russell F. Rhoades
Director, ADEQ Date

5/1/98
John F. Hagen
Deputy Director, ADEQ Date

5/1/98
Nancy C. Wrona
Director,
Air Quality Division Date

5/1/98
Jean A. Calhoun
Director,
Waste Programs Division Date

5-1-98
Ed Sadler
Director,
Water Quality Division Date

5/1/98
David St. John
Manager,
Northern Regional Office Date

5/1/98
Charles H. Matthewson Date
Manager,
Southern Regional Office

5/1/98
Mark R. Santana
Administrative Counsel Date
Office of the Administrative Counsel

APPENDIX P11

0143.000 NOTIFICATION POLICY FOR LOCAL GOVERNMENTAL AGENCIES

Level One: **Arizona Department of Environmental Quality**

Originator: Russell F. Rhoades, Director

Contact for Information: Juanita Guidry Copeland, EJ-Community Liaison

Issue Date: April 24, 1998

PURPOSE

The purpose of this policy is to require the ADEQ drinking water, solid waste, water quality compliance and water permits programs to provide notification concerning enforcement actions to local governments in the State of Arizona. This policy identifies three areas of notification for local governments beyond that required by Arizona Revised Statute (A.R.S.) § 49-111.

AUTHORITY

A.R.S. § 49-104. Powers and duties of the department and director.

A.R.S. § 49-104.A.2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises, and correlate department plans, programs and operations with those of the agencies, persons and enterprises.

A.R.S. § 49-104.A.4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.

DEFINITIONS

Officials: For purposes of this policy "officials" means the manager(s) of the county health and/or environmental regulatory agency in whose political jurisdiction ADEQ has taken an enforcement action.

POLICY

This policy has been instituted in support of A.R.S. § 49-104.A.2. and A.R.S. § 49-104.A.4.

ADEQ will notify the county official(s) of any enforcement action, including providing a copy of the enforcement document, initiated against drinking water systems, wastewater treatment or disposal facilities or solid waste disposal facilities located within these officials' political jurisdiction.

PROCEDURES

1. To implement this policy, the Drinking Water, Water Quality Compliance, Water Permits and Solid Waste sections will within thirty (30) days of initiation of an enforcement action(notice of violation, administrative order, or civil complaint), notify the county official(s) of any enforcement actions which are initiated against drinking water systems, wastewater treatment or disposal facilities or solid waste disposal facilities, located within these officials' political jurisdiction. The notification will include a copy of the enforcement action.

2. Where by the manager(s) of the Drinking Water, Water Quality Compliance, Water Quality Permits or Solid Waste sections deem it appropriate, notifications or the enforcement action will also be provided to any affected environmental justice community. The section manager will coordinate with the environmental justice liaison in providing this notice.

5. The Office of Outreach and Information (OOI) will provide support for this effort by updating the list of computer-generated mailing labels which will be stored in the J Drive (shared drive) under DDO.OCS.LABELS. This mailing list is sorted by county. The list will be updated periodically by the support staff of OOI, beginning with an initial survey to determine the appropriate persons and specific addresses for sending these notifications.

6. In addition to the mailing lists that are required by A.R.S. 49-104.A.2. and 49-104.A.4., mailing lists and labels will be available that include the EJ and other affected populations.

7. ADEQ will not release confidential information or trade secrets contained in any of the notifications.

RESPONSIBILITY

The managers and staff of the Drinking Water, Water Quality Compliance, Water Permits and Solid Waste Sections are responsible for implementation of this policy.

0143.000 NOTIFICATION POLICY FOR LOCAL GOVERNMENTAL AGENCIES

Level One: **Arizona Department of Environmental Quality**

Originator: Jack B. Bale, Local Government Ombudsman

Contact for Information: Juanita Guidry Copeland, EJ-Community Liaison

Issue Date: April 24, 1998

APPROVED BY:

Arizona Department of Environmental Quality:

4/24/98
Russell F. Rhoades
Director, ADEQ — Date

4-24-98
Karen J. Heidel, Ph.D.
Deputy Director, ADEQ — Date

4/24/98
Nancy C. Wrona
Director,
Air Quality Division — Date

4/24/98
Jean A. Calhoun
Director,
Waste Programs Division — Date

4-24-98
Ed Sadler
Director,
Water Quality Division — Date

4/24/98
David St. John
Manager,
Northern Regional Office — Date

4/24/98
Charles H. Matthewson
Manager,
Southern Regional Office — Date

Mark R. Santana
Administrative Counsel
Office of the Administrative Counsel — Date

APPENDIX P12

0089.000 DRINKING WATER PROGRAM SANITARY SURVEY POLICY

Level Three **Drinking Water Section**
Water Quality Division

Originator: Peggy Guichard-Watters, Manager
Drinking Water Section

Contact for Information: Peggy Guichard-Watterss

Issue Date: January 17, 1996

Next Scheduled Review Date: January 17, 1997

PURPOSE

More efficient and effective sanitary surveys will result from following policies and procedures related to when and how sanitary surveys are conducted. These procedures ensure consistent application of drinking water statutes and rules for operation and maintenance of regulated public water systems.

POLICY

The field engineer should conduct sanitary surveys for regulated public water systems at the following frequency:

1. Thorough sanitary surveys every three years for ground water systems serving populations of less than 40,000.

2. Thorough sanitary surveys annually for ground water systems serving populations of 40,000 or greater, and all surface water systems (which includes systems that use ground water systems under the direct influence of surface water).

3. Follow-up sanitary surveys or complaint investigations as needed for all systems as determined appropriate by the field engineer assigned to the system or his/her supervisor (1st, 2nd, or 3rd line).

RESPONSIBILITY

Drinking Water Section staff are responsible for adhering to this policy, and the implementation procedures.

PROCEDURES

When conducting sanitary surveys, the following shall occur:

1. The engineer shall schedule field work and travel to

maximize the program's travel dollars and the employee's work time. Whenever possible, multiple sanitary surveys should be scheduled during any travel more than 50 miles from the duty post. Priority should be given to inspections requested by Drinking Water Section staff.

2. The field engineer and his/her supervisor shall decide whether to conduct an announced sanitary survey.

3. The county environmental health authority should be notified of all sanitary surveys to be conducted within the county boundaries. Notifications can be made on a monthly, weekly, or daily basis. If requested, the field engineer shall make arrangements for a representative of the county environmental health authority to accompany him/her on sanitary surveys. The Field Engineering/Inspections Unit supervisor shall ask each county environmental health authority at least once per year, in writing, if that agency wants to be copied on all sanitary survey reports for facilities located within their county. The Field Engineering and Inspections Unit supervisor shall maintain a list of the county environmental health authorities which wish to receive copies of sanitary survey reports.

4. The field engineer shall coordinate his/her activities, both before and after a sanitary survey, with the compliance officer assigned to the area in which he/she conducts sanitary surveys. The compliance officer shall alert the field engineer of any enforcement activities that have taken place, or that are pending, that are associated with any of the facilities scheduled for sanitary surveys. Upon request, the compliance officer shall provide the field engineer with any information regarding monitoring/reporting violations, public notice violations, and maximum contaminant level exceedances. (Note: in most cases the field engineer can retrieve this information directly from the Safe Drinking Water Database.)

5. The field engineer may be the only person from ADEQ's Drinking Water program that the water system meets on a regular basis. All conduct by these field representatives must be courteous, tactful, and professional.

6. The field engineer shall conclude each sanitary survey with the issuance of a written report to the facility's owner or operator. In the event that the owner or operator is not present, or if further research is needed, the written report shall be mailed to the owner within two weeks of the survey. If this timeframe is not feasible, the inspector shall notify his/her supervisor, and send the system a letter explaining the delay and the

date that the report will be mailed. If warranted, a Notice of Violation (NOV) shall be issued to the facility's owner either at the time of the survey or within 45 days. The NOV shall follow ADEQ's format for such document. Only violations of state statute or rule shall be specifically cited in the NOV. If other problems or concerns, which are not specific violations of state statute or rule, are revealed during the sanitary survey, those items should be noted on the sanitary survey report form under "Recommendations/Comments."

7. The field engineer shall complete an inventory sheet (attached) for each facility inspected within two weeks of the sanitary survey. The inventory sheet, along with the facility sanitary survey report or NOV, will be forwarded to the Compliance Tracking and Enforcement Unit for data input and placement in the main facility file.

0089.000 DRINKING WATER PROGRAM SANITARY SURVEY POLICY

Level Three **Drinking Water Section**
Water Quality Division

Originator: Peggy Guichard-Watters, Manager
Drinking Water Section

Contact for Information: Peggy Guichard-Watterss

Issue Date: January 17, 1996

Next Scheduled Review Date: January 17, 1997

APPROVED

Level Three

Water Quality Division:

2/14/96
Kimberly W. MacEachern Date
Division Director
Water Quality Division

2-13-96
Peggy Guichard-Watters Date
Section Manager
Drinking Water Section

The Policy Review Committee has posted, reviewed, and accepted this policy by motion as of January 17, 1996.

2.12.96
Susan Bentley-Johnston Date
Recording Secretary

APPENDIX P13

0120.000 COMPLIANCE AND ENFORCEMENT COMMITTEE POLICY

Level One **Arizona Department of Environmental Quality**

Originator: Mark R. Santana
Administrative Counsel

Contact For Information: Mark R. Santana

Issue Date: May 9, 1997

PURPOSE

The purpose of this policy is to establish a Compliance and Enforcement Committee (CEC), consisting of representatives from each ADEQ section having compliance and enforcement responsibilities.

POLICY

ADEQ needs an identified agency group that will coordinate enforcement activities and training on an agency-wide basis to ensure that (1) enforcement information concerning facilities is shared by all programs, (2) the agency compliance and enforcement policy is implemented in a uniform manner, (3) multi-media enforcement is handled in an efficient, coordinated manner and (4) a uniform enforcement training program is developed for agency enforcement personnel. The committee's functions will be:

(1) When requested, provide information to the Strategic Alliance or the Director/Deputy Director's Offices on the multi-media compliance status of individual facilities.

(2) Serve as an information disseminating body, particularly for bankruptcy notices and enforcement information.

(3) Serve as the coordinating body for ADEQ and Western States Project (WSP) training programs and generally coordinate/sponsor compliance and enforcement training. (This would include overseeing courses/seminars, making curricula improvements, arranging for site field trips for training etc.)

(4) Serve as the contact committee for WSP initiatives or inquiries.

(5) Approve revisions to standardized enforcements. documents. (Enforcement documents must utilize CEC-approved standardized provisions, unless the requirement is waived by the Office of Administrative Counsel).

(6) Recommend modifications to the Compliance and Enforcement

Policy (CEP) and other agency policies that relate to enforcement.

(7) Ensure continued implementation of the CEP.

(8) Propose changes to or improvements in current ADEQ compliance and enforcement practices, subject to the approval of Management Team.

(9) Identify and propose resolution to agency-wide enforcement problems, subject to approval of Management Team.

(10) With the approval of management team, serve as the implementing body for new ADEQ enforcement and compliance initiatives.

(11) Coordinate multi-media enforcement efforts with other state/federal agencies (including reviewing and commenting upon new EPA compliance/enforcement policies).

(12) Conduct case-specific multi-media coordination within ADEQ.

(13) If Management Team concurs, develop an annual legislative report on ADEQ multi-media compliance and enforcement efforts.

PROCEDURES

1. The CEC is chaired by the Administrative Counsel or his designee.

2. The CEC will meet as necessary, but at least on a monthly basis.

3. Each section which has an enforcement component shall have two representatives on the CEC, the section representative and an alternate. The representatives shall be nominated by the section manager and appointed by the division director. The appointments shall be in writing. In all matters that require a vote by the committee, each section shall have one vote. The vote shall be cast by the section representative, with the alternate casting the vote if the representative is absent.

RESPONSIBILITY

The Office of Administrative Counsel, division directors and section managers are responsible for implementation of this policy.

0120.000 COMPLIANCE AND ENFORCEMENT COMMITTEE POLICY

Level One **Arizona Department of Environmental Quality**

Originator: Mark R. Santana
Administrative Counsel

Contact For Information: Mark R. Santana

Issue Date: May 9, 1997

APPROVED BY:

Arizona Department of Environmental Quality:

5/12/97
Russell F. Rhoades
Director, ADEQ Date

5·9·97
Karen J. Heidel, Ph.D.
Deputy Director, ADEQ Date

5/9/97
Nancy Q. Wrona
Director, Date
Air Quality Division

5/9/97
Ethel DeMarr
Director, Date
Waste Programs Division

5·9·97
Karen J. Heidel, Ph.D.
Acting Director, Date
Water Quality Division

5/15/97
Mark R. Santana
Administrative Counsel, Date
Office of Administrative Counsel

0120.000 COMPLIANCE AND ENFORCEMENT COMMITTEE POLICY

Level One **Arizona Department of Environmental Quality**

Originator: Mark R. Santana
Administrative Counsel

Contact For Information: Mark R. Santana

Issue Date: May 9, 1997

APPROVED BY:

Arizona Department of Environmental Quality:

5/12/97
Russell F. Rhoades
Director, ADEQ Date

5·9·97
Karen J. Heidel, Ph.D.
Deputy Director, ADEQ Date

5/9/97
Nancy C. Wrona
Director,
Air Quality Division Date

5/9/97
Ethel DeMarr
Director,
Waste Programs Division Date

5·9·97
Karen J. Heidel, Ph.D.
Acting Director,
Water Quality Division Date

APPENDIX P14

0158.000 ENFORCEMENT OF ANNUAL EMISSIONS INVENTORY QUESTIONNAIRE SUBMITTAL POLICY

Level Three **Arizona Department of Environmental Quality**

Originator: Latha Toopal

Contact For Information: Latha Toopal
Emissions Inventory Coordinator
Air Quality Compliance Section

Issue Date: February 4, 1999

PURPOSE

This policy establishes procedures intended to be used by the Emission Inventory Team of the Air Quality Compliance Section, Air Quality Division, in escalating enforcement against those facilities that fail to submit a timely annual emissions inventory questionnaire(AEIQ) as required by A.A.C. R18-2-327 or fail to submit additional information to complete or correct the AEIQ.

AUTHORITY

A.R.S. §49-422
A.R.S. §49-424
A.R.S. §49-426
A.R.S. §49-432
A.A.C. R18-2-327

DEFINITIONS

"Compliance Action" shall include both formal and informal enforcement actions taken by the Air Quality Compliance Section against a facility for failing to submit a timely annual emissions inventory questionnaire.

"Facility" includes any source subject to a permit requirement under Chapter 2 of Title 18 of the Arizona Administrative Code.

POLICY

The Emissions Inventory Team of the Air Quality Compliance Section intends to, under normal circumstances, initiate a compliance action against those facilities that fail to submit an annual emissions inventory questionnaire to ADEQ by the due date set by A.A.C. R18-2-327 (March 31st or 90 days after ADEQ makes the inventory form available, whichever occurs later) or fail to submit additional information to complete or correct the AEIQ.

RESPONSIBILITY

The Emission Inventory Team of the Air Quality Compliance Section is responsible for implementation of this policy. The ultimate responsibility for oversight of the implementation of this policy rests with the managers of the Compliance Technical Services Unit and the Air Quality Compliance Section.

APPLICABILITY

This policy applies to all facilities subject to a permit requirement under Chapter 2 of Title 18 of the Arizona Administrative Code (A.A.C.).

PROCEDURES

A. Failure To Submit the Annual Emissions Inventory Questionnaire

1. Following the due date of the Annual Emissions Inventory Questionnaire (AEIQ), the Emission Inventory Team intends to prepare a list of facilities that have failed to submit a timely AEIQ and were not granted an extension by the Air Quality Division. The Emission Inventory Team intends to, under normal circumstances, send a Notice of Opportunity to Correct (NOC) via certified mail to each facility on the list. The NOC shall require the facility to submit the AEIQ within 30 days of receipt of the NOC.

2. Following the 45th day of issuance of the NOCs, the Emission Inventory Team intends to compile a second list of sources that have not submitted an AEIQ and were not granted an extension by the Air Quality Division. The Emission Inventory Team intends to, under normal circumstances, issue a Notice of Violation (NOV) via certified mail to those facilities on the list that have failed to submit the AEIQ within 30 days of receipt of the NOC. The NOV should require the facility to submit the AEIQ within 30 days of receipt of the NOV.

3. The Technical Services Unit intends to consider those facilities that have failed to submit the AEIQ within 30 days of receipt of the NOV in significant noncompliance and escalate the enforcement action as deemed appropriate by the manager of the Technical Services Unit and/or the manager of the Compliance Section.

B. Incomplete/Incorrect Annual Emissions Inventory Questionnaire

1. Upon determining an AEIQ to be incomplete or incorrect, the Emission Inventory Team intends to, under normal circumstances, request additional information or request a correction of the incorrect data via a certified mail letter. The letter should require the facility to submit the required information within 30 days of receipt of the letter.

2. Following the 45th day of mailing the request, the Emission Inventory Team intends to, under normal circumstances, send a Notice of Opportunity to Correct(NOC) via certified mail to each facility that has failed to submit the requested information to correct or complete their AEIQ. The NOC should require the facility to submit the required information within 30 days of receipt of the NOC.

3. Following the 45th day of issuance of the NOC, the Emission Inventory Team intends to, under normal circumstances issue a Notice of Violation (NOV) via certified mail to those facilities that have failed to submit the requested information to correct or complete their AEIQ. The NOV should require the facility to submit the information requested within 30 days of receipt of the NOV.

4. The Technical Services Unit intends to consider those facilities that have failed to submit the requested information to correct or complete the AEIQ within 30 days of receipt of the NOV in significant noncompliance and escalate the enforcement action as deemed appropriate by the manager of the Technical Services Unit and/or the manager of the Compliance Section.

0158.000 ENFORCEMENT OF ANNUAL EMISSIONS INVENTORY QUESTIONNAIRE SUBMITTAL POLICY

Level Three **Air Compliance Section**
Air Quality Division

Originator: Nancy C. Wrona
Director, Air Quality Division

Contact for Information: Latha Toopal
Emissions Inventory Coordinator
Air Quality Compliance Section

Issue Date: February 4, 1999

APPROVED BY:

Level Three
Air Quality Division

2/4/99

Nancy C. Wrona Date
Division Director
Air Quality Division

2/4/99

Michael J. Traubert Date
Section Manager
Compliance Section

The Policy Review Committee has posted, reviewed, and accepted this policy by motion as of November 25, 1998.

G Elyse Hardin 2-4-99

Elyse Hardin Date
Recording Secretary

APPENDIX P15

0152.001 WATER QUALITY COMPLIANCE ENFORCEMENT ESCALATION POLICY

Level Three **Arizona Department of Environmental Quality**

Originator: Michael J. Traubert, Manager,
Water Quality Compliance Section

Contact for Information: M. Reza Azizi, Manager,
Water Quality Enforcement Unit

Issue Date: June 10, 1998 **Amended: October 20, 2000**

Next Review Date: October 20, 2002

PURPOSE

The purpose of this policy is to ensure that the initiation and escalation of informal and formal enforcement actions resolving water pollution non-compliance will be performed in a consistent manner. This Water Quality Compliance Enforcement Escalation Policy establishes a uniform system to be used by the Water Quality Division and ADEQ Regional Offices in pursuing and escalating environmental enforcement while conforming with the department-level compliance and enforcement policy and complying with the Gregory v. Schafer First Amended Consent Decree No. CV 93-01458(Gregory v. Schafer).

ADEQ's agency-wide Compliance and Enforcement Policy(ADEQ Policy 10) requires ADEQ to select the type of informal and formal enforcement action to correct facility environmental non-compliance after considering such factors as comparative risk to human health or the environment, indifference to the law, previous compliance history and other relevant factors. ADEQ strives to respond to every instance of noncompliance; however, such action is not always feasible nor desirable. Furthermore, every violation need not be met with an identical enforcement response, but rather a considered response that is appropriate to the violation.

AUTHORITY

Arizona Revised Statutes (A.R.S.), §49-142, §§49-261 through 263, §49-334, and §49-362.

Arizona Administrative Code (A.A.C.) R18-5-411, R18-9-130, R18-9-706, R18-9-819, and R18-11-120.

DEFINITIONS

"Water Quality Permit" is defined in this policy as an Aquifer Protection Permit, Groundwater Quality Protection Permit, Reuse Permit, or any other permit, discharge authorization, or construction approval issued by ADEQ, pursuant to the Arizona Revised Statutes, or the Arizona Administrative Code.

"Discharge Limit" is defined in this policy as any restriction, prohibition, limitation, or criteria established by statute, rule, Water Quality Permit, Administrative Order, or Consent Judgment on quantities, rates, concentrations, combinations, toxicity, and characteristics of pollutants.

“Formal Enforcement” is defined as issuing an Administrative Order, e.g. consent or unilateral order, or the filing a civil action for injunctive relief, civil penalties, or other civil remedy.

“Informal Enforcement” is defined as issuing a Notice of Opportunity to Correct(NOC), Notice of Violation (NOV), caution letter(CL) or status letter.

"Discharge Limit Violation (DLV)" is defined as a:

1. Deviation from a discharge limit at a given monitoring point;
2. Failure to report a discharge limit parameter;

“Technical Review Criteria (TRC) Violation” is defined as a:

1. Deviation from a Category 1 TRC discharge limit (see Attachment A) by more than 1.4 times the discharge limit;
2. Deviation from a Category 2 TRC discharge limit (see Attachment A) by more than 1.2 times the discharge limit;
3. A deviation from a pH discharge limit; or
4. Failure to report a single discharge limit parameter or inspection requirement on an ADEQ approved or supplied Self-Monitoring Report Form.

“Caution Level Exceedance (CLE)” is defined as one of the

following (see Attachment B):

1. For a daily sampling discharge limit or inspection requirement:

   A. 4 or more (but less than 9) TRC violations in a quarterly review period; or
   B. 9 or more (but less than 18) discharge limit violations in a quarterly review period.

2. For a five sample per week discharge limit or inspection requirement:

   A. 3 or more (but less than 6) TRC violations in a quarterly review period; or
   B. 6 or more (but less than 12) discharge limit violations in a quarterly review period.

3. For a two sample per week discharge limit or inspection requirement:

   A. 2 or more (but less than 5) TRC violations in a quarterly review period; or
   B. 5 or more (but less than 10) discharge limit violations in a quarterly review period.

4. For a five sample per month discharge limit or inspection requirement:

   A. 2 or more (but less than 4) TRC violations in a quarterly review period; or
   B. 4 or more (but less than 8) discharge limit violations in a quarterly review period.

5. For a weekly sampling discharge limit or inspection requirement:

   A. 1 or more (but less than 3) TRC violations in a quarterly review period; or
   B. 3 or more (but less than 6) discharge limit violations in a quarterly review period.

6. For a two sample per month discharge limit or inspection requirement:

   A. 1 TRC violation in a quarterly review period; or

B. 2 or more (but less than 4) discharge limit violations in a quarterly review period.

7. For a monthly sampling discharge limit or inspection requirement:

   A. 1 TRC violation in a two consecutive quarter review period; or
   B. 2 or more (but less than 4) discharge limit violations in a two consecutive quarter review period.

8. A discharge limit violation of a quarterly, biannual, or annual sampling discharge limit or inspection requirement.

“Significant Noncompliance” (SNC) includes (see Attachment C): [The definition of Significant Noncompliance (SNC) is based largely upon the definition of SNC established in a September 21, 1995, Memorandum issued by the U.S. EPA's Office of Enforcement and Compliance Assistance for use in EPA's Clean Water Act programs.]

1. For a daily sampling discharge limit or inspection requirement:

   A. 9 or more TRC violations in a quarterly review period; or
   B. 18 or more discharge limit violations in a quarterly review period.

2. For a five sample per week discharge limit or inspection requirement:

   A. 6 or more TRC violations in a quarterly review period; or
   B. 12 or more discharge limit violations in a quarterly review period.

3. For a two sample per week discharge limit or inspection requirement:

   A. 5 or more TRC violations in a quarterly review period; or
   B. 10 or more discharge limit violations in a quarterly review period.

4. For a five sample per month discharge limit or inspection requirement:

   A. 4 or more TRC violations in a quarterly review period; or
   B. 8 or more discharge limit violations in a quarterly review period.

5. For a weekly sampling discharge limit or inspection requirement:

   A. 3 or more TRC violations in a quarterly review period; or
   B. 6 or more discharge limit violations in a quarterly review period.

6. For a two sample per month discharge limit or inspection requirement:

   A. 2 or more TRC violations in a quarterly review period; or
   B. 4 or more discharge limit violations in a quarterly review period.

7. For a monthly sampling discharge limit or inspection requirement:

   A. 2 or more TRC violations in a two consecutive quarter review period; or
   B. 4 or more discharge limit violations in a two consecutive quarter review period.

8. A TRC violation of a quarterly, biannual, or annual sampling discharge limit or inspection requirement.

9. Two or more CLE within two, three, or four applicable consecutive review periods.

10. Submittal of an ADEQ approved or supplied Self Monitoring Report Form (SMRF) 30 or more days after the due date set by a Water Quality Permit, Administrative Order, or Consent Judgment.

11. Failure to correct a violation after being given an opportunity to do so pursuant to a Notice of Opportunity to Correct.

12. Failure to implement a contingency plan or compliance schedule as required by a Water Quality Permit.

13. Failure to construct, operate, or maintain a facility in accordance with the Best Available Demonstrated Control Technology (BADCT) as required in an Aquifer Protection Permit.

14. A discharge or release of wastewater for reuse without a Reuse Permit.

15. Permitting any amount of sewage or industrial waste to flow into any waters, upon or under any lands, of the state in a manner detrimental to the quality of the receiving body of water, or the use of the receiving lands, or prejudicial to the public health, safety or welfare in violation of A.A.C. R18-9-803.A.

16. Any discharge that has the potential to cause an aquifer water quality standard or surface water quality standard violation.

17. Failure to employ an operator required pursuant to Arizona Administrative Code Title 18, Chapter 5, Article 1 at the grade and classification appropriate for the facility.

18. Failure to obtain the required construction approval(s) required by statute or rule prior to constructing or operating a sewerage system requiring such approval(s).

19. Failure to submit an application for an individual Aquifer Protection Permit as required by Arizona Revised Statutes 49-241.

"Significant Risk to Human Health or the Environment" shall be based on all of the following factors:

1. Toxicity or potential disease causing characteristics of the discharge;
2. Quantity of the discharge;
3. Duration of the discharge;
4. Proximity of the discharge to:

   A. An ecological or environmentally sensitive

environment as defined by state or federal statute;

B. An actual or potential drinking water supply

C. A populated area; or

D. A navigable water as defined by the Clean Water Act.

5. Whether or not the discharge or release has been cleaned up or abated prior to the initiation of formal enforcement action.

"Significant Indifference for Human Health or the Environment" shall at a minimum be based on any one or a combination of the following factors:

1. Failure to conduct the normal operation and maintenance (O&M)as required by a Water Quality Permit;

2. Failure to take the appropriate corrective measures, established in facility O&M or contingency plans, to remedy existing violations and to prevent future violations;

3. The facility's documented history of environmental non-compliance;

4. Severity of the violation (degree of deviation); or

5. Duration of the violation.

"Extreme Noncompliance" (XNC) includes:

1. A discharge that violates an aquifer water quality standard or surface water quality standard.

2. An unpermitted discharge as defined by statute or rule or Water Quality Permit which:

   A. Causes risk to human health or the environment;

   B. Displays indifference for human health or the environment; or

3. A potentially negligent, reckless or knowing disregard and violation of a water quality permit, standard, statute or rule.

POLICY

This policy establishes a priority scheme for responding to with respect to water pollution environmental noncompliance. Those discharge limit or TRC violations constituting a caution level exceedance (CLE) will result in issuance of a caution letter (CL), while operation and maintenance(O&M) violations that fail to meet the definition of significant(SNC) or extreme noncompliance(XNC) will result in issuance of a notice of opportunity to correct ("NOC").

The discharge limit or TRC violations that meet the definition SNC or XNC will result in issuance of a notice of violation (NOV).

The definition for SNC and XNC addresses comparative environmental risk by escalating enforcement actions for violations that may pose significant harm to human health or the environment or the program regulatory scheme.

This policy is not a final agency action, but intended solely as guidance. It is not intended, nor can it be relied upon, to create any rights enforceable by any party in litigation with the State of Arizona. ADEQ may decide to follow the guidance provided in this policy or to act at variance with this guidance based upon an analysis of case specific facts and circumstances. However, in all cases, the intent if not the letter of Gregory v. Schafer will guide ADEQ decision making in this area.

RESPONSIBILITY

All Water Quality Compliance Section and ADEQ Regional Office staff are responsible for implementing the Notice of Opportunity to Correct(NOC) and Notice of Violation(NOV) procedures of this policy. Implementation of CL procedures shall be the responsibility of the Water Quality Compliance Section, Data Unit, in consultation with the Water Quality Enforcement Unit. The responsibility for specific implementation of this policy as it may apply to enforcement actions beyond the issuance of a NOV rests with the manager of the Water Quality Enforcement Unit under the general direction of the Water Quality Compliance Section manager.

PROCEDURES

1. A CL shall be issued to a facility owner or operator for

all DLV that meet the definition of a CLE.

A. The CL shall be issued within 30 days of the required submittal date of the self-monitoring report form (SMRF).

B. The CL shall indicate that the facility has met the definition of a CLE per this policy and if the facility experiences another CLE within the next three consecutive review periods that it shall be considered in Significant Noncompliance and a NOV shall be issued.

C. The CL shall notify the facility of compliance assistance programs offered by ADEQ and implemented through policy.

2. A Notice of Opportunity to Correct (NOC) may be issued to a permittee for an O&M violation discovered during the course of an inspection provided the violation was not previously documented in a prior NOC sent to the facility and if it does not meet SNC or XNC criteria.

A. The NOC shall be issued within 45 days after the inspection.

B. The NOC shall specify a compliance deadline by which the violation must be corrected, which shall not exceed ~~6~~ four calendar months from the date of issuance of the NOC.

C. The NOC shall indicate that the facility must submit documentation of compliance to ADEQ on or before the compliance deadline demonstrating that the violation has been corrected to avoid further inspection or enforcement action.

3. If a facility fails to submit documentation of compliance on or before the deadline specified in an NOC, or if ADEQ determines that documentation submitted does not demonstrate compliance, then within 180 days of the original inspection date, ADEQ shall conduct a follow-up inspection of the facility to determine whether the facility has corrected the violation.

4. If during a reinspection ADEQ determines that a facility

has failed to correct a violation previously cited in a NOC, ADEQ shall issue a NOV within fifteen calendar days of the reinspection date.

5. A Notice of Violation (NOV) shall be issued for all violations that meet, SNC, XNC criteria or for failure to correct NOC identified violations.

   A. If the NOV is for violations discovered during the course of an inspection it shall be issued within 45 days of the inspection date.

   B. If the NOV is for violations discovered through a review of a SMRF, it shall be issued within 60 days of the required submittal date of the SMRF.

   C. In the case of a municipality, the NOV shall be issued either to the mayor or the manager of the municipality with a copy sent to the person(s) directly responsible for the violation or for resolving the violation e.g., the emergency contact named in a Water Quality Permit, the City Manager, the Environmental Manager, or the Public Works Director.

   D. In the case of a private entity, the NOV shall be issued either to the owner of the facility with a copy sent to the person(s) directly responsible for the violation or resolving the violation e.g., the emergency contact named in a Water Quality Permit, or the facility manager. If the owner of the facility is a corporation, partnership, or other comparable legal entity, the NOV shall be issued to the president, general partner, or other similarly responsible official within the legal entity.

   E. A copy of the NOV shall be sent to the relevant county health agency or other delegated agency, any other appropriate environmental regulatory agency and to the ADEQ regional office.

F. When appropriate, notification of the issuance of a NOV will be provided to any affected identified environmental justice community. The manager of the Water Quality Compliance Section or his designee will coordinate with the ADEQ Administrative Counsel and ADEQ Environmental Justice liaison in providing this notice.

G. The compliance deadline established within the standard NOV issued for a non-submittal violation shall allow the permittee up to ten working (10) days from date of receipt of the NOV to submit the delinquent SMRFs.

6. ADEQ shall review all submitted SMRFs for discharge limit exceedances and inspection requirements noncompliance to determine whether they meet the definition of CLE, SNC or XNC criteria. The information contained in the submitted SMRF's shall be entered into the compliance and enforcement database within 30 days of receipt by ADEQ.

7. ADEQ shall issue either an NOV or NOC for each identified violation discovered during an inspection, unless the violation is corrected before the conclusion of the inspection. If the violation is corrected before the conclusion of the inspection ADEQ shall note in the inspection report the nature of the violation and the manner in which it was corrected. ADEQ shall provide a copy of the inspection report to the facility within 30 days of the inspection date.

8. ADEQ shall preferentially negotiate a Consent Order or Consent Judgement for all SNC violations that can not or have not been remedied via informal enforcement action. Failure to enter into a Consent Order or Consent Judgement with ADEQ will generally result in the issuance of a unilateral order by ADEQ or the filing of a civil complaint by the Attorney General at the request of ADEQ.

9. If a violation(s) meet the definition of XNC, per this policy, ADEQ shall:

A. Issue a NOV, if an NOV had not already been issued for the violation meeting SNC criteria; and

B. Seek penalties and a corrective action compliance

schedule by the filing of a civil complaint by the Attorney General at the request of ADEQ.

10. All Administrative Orders shall include corrective action compliance schedules. Each Order shall include language advising the facility that violation of Administrative Order condition may subject them to civil penalties pursuant to state statute for each instance of violation.

11. All Consent Judgment agreements made by ADEQ with regulated entities shall include corrective action compliance schedule time frames with stipulated penalties for failing to meet agreed conditions.

12. Any violation of a Consent Judgment that provides for stipulated penalties shall result in ADEQ seeking full payment of stipulated penalties.

13. Refusal to pay stipulated penalties within a reasonable time following violation of a Consent Judgment shall result in ADEQ seeking appropriate remedy through a civil complaint with the assistance of the Attorney General.

ATTACHMENTS

A. TRC Discharge Limits
B. Caution Levels for Discharge Limit and Inspection Requirement Violations
C. SNC for Discharge Limit and Inspections Requirements Violations

0152.001 WATER QUALITY COMPLIANCE ENFORCEMENT ESCALATION POLICY

Level Three **Arizona Department of Environmental Quality**

Originator: Mike Traubert, Manager,
Water Quality Compliance Section

Contact for Information: M. Reza Azizi, Manager,
Water Quality Enforcement Unit

Issue Date: June 10, 1998 **Amended: October 20, 2000**

Next Review Date: October 20, 2002

APPROVED

_____

Karen Smith Date
Division Director,
Water Quality Division

_____

Michael J. Traubert Date
Manager,
Water Quality Compliance Section

_____

Mark R. Santana Date
Administrative Counsel,
Office of Administrative Counsel

The Policy Review Committee has posted, reviewed, and accepted this policy by motion as of September 21, 2000.

_____

Lea Ann Dorrel Date
Policy Management
System Coordinator

ATTACHMENT A

TRC DISCHARGE LIMITS

Category 1 - Conventional Pollutants
(40% exceedance of discharge limit)

Oxygen Demand
Biochemical Oxygen Demand
Chemical Oxygen Demand
Total Oxygen Demand
Total Organic Carbon

Solids
Total Suspended Solids (Residues)
Total Dissolved Solids (Residues)
Turbidity
Other

Nutrients
Inorganic Phosphorus Compounds
Inorganic Nitrogen Compounds
Other

Detergents and Oils
MBAs
NTA
Oil and Grease
Other Detergents or Algicides

Minerals
Calcium
Chloride
Fluoride
Magnesium
Sodium
Potassium
Sulfur
Sulfate
Total Alkalinity
Total Hardness
Other Minerals

Metals
Aluminum
Cobalt
Iron
Vanadium

Temperature

Category 2 - Toxic Pollutants
(20% exceedance of discharge limit)

Metals (all forms)
Other metals not specifically listed under Category 1

Inorganic
Cyanide
Total Residual Chlorine

Organics
All Organics are Category 2 except those specifically listed in Category 1

Other
Flow
Radio nuclides
Fecal Coliform
Viruses

ATTACHMENT B

CAUTION LEVELS FOR DISCHARGE LIMIT AND
INSPECTION REQUIREMENT VIOLATIONS

Monitoring Frequency	TRC Violations	Discharge Limit Violations	Review Period
Daily	4-8	9-17	
Quarterly			
5 per week	3-5	6-11	
Quarterly			
2 per week	2-4	5-9	Quarterly
5 per month	2-3	4-7	Quarterly
1 per week	1-2	3-5	Quarterly
2 per month	1	2-3	Quarterly
1 per month	1	2-3	2
Quarters			
Quarterly		1 or more	
Quarterly			
Biannually		1 or more	
Biannual			
Annually		1 or more	
Annual			

ATTACHMENT C

SNC FOR DISCHARGE LIMIT AND
INSPECTION REQUIREMENT VIOLATIONS

Monitoring Frequency	TRC Violations	Discharge Limit Violations	Review Period
Daily	9 or more	18 or more	Quarterly
5 per week	6 or more	12 or more	Quarterly
2 per week	5 or more	10 or more	Quarterly
5 per month	4 or more	8 or more	Quarterly
1 per week	3 or more	6 or more	Quarterly
2 per month	2 or more	4 or more	Quarterly
1 per month	2 or more	4 or more	2 Quarters
Quarterly	1 or more		Quarterly
Biannually	1 or more		Biannual
Annually	1 or more		Annual

APPENDIX P16

0057.000 COMPLIANCE AND ENFORCEMENT PRESS POLICY

Level One **Arizona Department of Environmental Quality**

Originator: Mark R. Santana, Administrative Counsel

Issue Date: October 12, 1995

Next Scheduled Review Date: October 12, 1996

PURPOSE

This policy is intended to guide ADEQ on enforcement publicity to cast favorable attention upon successful enforcement action. Communicating ADEQ's enforcement activities to the regulated community and the general public is a necessary part of an effective enforcement program.

The criteria for determining how and whether to publicize a particular enforcement action and the procedures to coordinate publicity between internal and external parties are set forth. Attachments to this document include an information sheet for program staff to submit to the public information officer (PIO), if the PIO drafts the release, and an example press release. This policy provides guidance to ADEQ personnel and is not intended to create or recognize any legally enforceable right in any person.

DEFINITION

"Formal" enforcement actions means consent orders, unilateral administrative orders and, civil lawsuits initiated by ADEQ, and criminal actions initiated by prosecutors in which ADEQ has an investigative or supporting role.

POLICY

ADEQ will publicize all judicial enforcement actions and selective administrative enforcement actions (at the division director's discretion) to deter violations and communicate ADEQ's efforts to protect public health and the environment.

ADEQ will not negotiate the use or wording of press materials as part of an agreement to settle or conclude an enforcement action.

ADEQ may issue an individual press release, schedule a press conference, or periodically release summary enforcement activities.

RESPONSIBILITY

All ADEQ compliance, enforcement and press-liaison personnel are responsible for knowing, understanding and following this policy. Ultimate decisions regarding enforcement publicity rest with affected division directors with the advice and concurrence of the PIO. Implementation of this policy is responsibility of the PIO.

PROCEDURES

1. General Considerations for All Enforcement Publicity:

Enforcement communications may be made to the press (e.g., print media, radio or television) including the trade press (e.g., professional or trade, magazines or newsletters). ADEQ may use the following publicity forms: press releases, press conferences, video recordings, published statistical compliance studies, routine enforcement activity reports, newsletters, computer bulletin boards, public workshop and seminar presentations, interviews, notices in the Arizona Administrative Register, and feature articles. Press materials should contain as many of the following six elements as feasible:

(1) A statement about the potential or actual environmental degradation or public health threat caused by noncompliance (i.e., the environmental or public health problem ADEQ is trying to correct).

(2) A statement about how the regulatory program prevents or corrects harm to public health and the environment.

(3) A statement acknowledging the commitment made by facilities that comply with the regulatory program to encourage voluntary compliance.

(4) A statement indicating that ADEQ is vigilant in addressing (through enforcement actions where warranted) violations to ensure a "level playing field" among compliant facilities and those who disregard the law.

(5) A statement about potential sanctions against violators for deterrence of future noncompliance.

(6) A statement about the history of the compliance action including prior ADEQ notices and opportunities to correct the violations.

2. Publicity Specific to Judicial Enforcement:

A. Criminal and civil judicial enforcement actions should be publicized using at least a press release. Materials prepared on a specific case should not contain opinions or statements. Only all or part of the following information may be given to the press:

(1) Statements on the general nature of the alleged violation(s).

(2) Facts which are a matter of public record.

(3) Anticipated next steps in the litigation process.

B. Civil Enforcement: In conjunction with the Attorney General's Office, press materials should be released when the lawsuit is filed, and again when the case either settles or concludes with a judgment favorable to ADEQ. ADEQ's civil enforcement press activities should be coordinated with the Attorney General's Office to ensure that a strong, consistent deterrence message is released to the media.

C. Criminal Enforcement: The Attorney General's Office has the lead and should issue press materials following an indictment, issuing arrest warrants, guilty verdicts, and sentencing. ADEQ should assist the Attorney General's press activities.

To protect the defendants right to a fair trial, the Assistant Attorney Generals and ADEQ attorneys are bound by the Arizona Rules of Professional Conduct, ethical rules 3.6 and 3.8 (found in the Rules of the Supreme Court). These rules are intended to protect this right with respect to pretrial and trial publicity.

3. Publicity Specific to Administrative Enforcement:

A. Administrative enforcement may be in the form of penalties and orders, both unilateral and consent orders; therefore, press materials will be released at the discretion of the division director upon recommendation by the section manager.

B. Press releases may also be prepared for more routine enforcement actions at the discretion of each section manager or division director. Generally, press materials should NOT be prepared to coincide with the issuance of a notice of violation.

4. Press Conferences

Cases which involve immediate, actual or potential public health or environmental threats, large or record cash penalties, significant imprisonment terms, innovative compliance measures, significant supplemental environmental projects (undertaken as a partial offset to a cash penalty), or targeted initiatives should be publicized in a press conference.

5. Responsibilities and Timeline for Release of Press Materials

A. Release press materials on the same date as the enforcement action is filed, issued, settled or decided to maximize effectiveness. If a later release date is necessary, release it as close to the enforcement action date as feasible. Notify the recipient of the enforcement action prior to the release of the press materials.

B. Involve the PIO in publicity determinations as early as possible in the enforcement process.

C. Do not release press materials until approved by at least the division director and the PIO.

D. Generally, ADEQ should refer contacts from the press to the division director or the PIO unless specifically directed otherwise.

E. Generally, the PIO will draft press materials. Development of press materials may be made by submitting the information for Attachment A to the PIO. Program staff may also draft materials and submit them to the PIO for review.

F. The PIO is responsible for distribution of press materials, and unless agreed otherwise, is also responsible for an initial response to members of the press. Enforcement actions establishing state-wide precedence should be distributed on a state-wide basis while other more routine matters need only be distributed to media sources local to the person or facility in noncompliance. Copies of press releases should also be sent to relevant trade and professional associations and when possible, individual members of the regulated community subject to the same requirements.

G. The PIO is responsible for coordinating press conferences, including joint press conferences and other similar events.

H. The PIO should raise inaccurate or misleading media statements concerning ADEQ's enforcement program to the attention of the director, division director, and section managers for possible rebuttal.

6. Involvement of External Parties

A. When appropriate (e.g., ADEQ enforcement occasionally includes other federal, state or local agencies), ADEQ should consider inviting these other entities to participate in the development, distribution and presentation of these materials to ensure a coordinated approach. Civil and criminal enforcement press activities should be conducted jointly, or coordinated with the Attorney General's office. Where press activities are not joint but coordinated, they should be released simultaneously whenever feasible.

B. ADEQ may, after consulting with the PIO, invite a professional or trade association to participate where it is in the mutual interest of all parties to present a consistent compliance message. This statement should in

no way be read to create a right on the part of violators to participate in ADEQ press activities.

7. Implementation

ADEQ employees are requested to do the following by the date indicated:

(1) Within 30 days after the adoption of this policy, each program section shall create a mailing list of all known organizations and entities who expressed an interest in the section's program. This list should include a contact name, mailing list, phone and facsimile number for each identified constituent. This list shall be transmitted to the PIO and kept updated.

(2) Within 90 days after the adoption of this policy, the PIO shall sponsor and present employee training on filling out the attached information sheets, drafting press materials, appropriate circumstances for press conferences and responding to press inquiries. This training should be offered to all ADEQ employees and repeated as often as may be needed to ensure a consistent understanding and approach.

8. Press Release of the Annual Enforcement Report

ADEQ's Annual Enforcement Report to the Legislature prepared pursuant to A.R.S. § 49-105, requires a report of enforcement actions for water quality control and hazardous waste disposal. For press release purposes, each program shall also include the following information:

(1) A list of all completed formal enforcement activities, including penalties assessed and collected, and unsafe environmental conditions corrected.

(2) If possible; a comparison with the previous year's activities.

It is recommended that the ADEQ management team release this information on a program-by-program basis or for all of ADEQ. This allows the management and the public to observe ADEQ's enforcement performance and should rebut assertions that its enforcement program is too harsh or too lenient.

ATTACHMENT A: Request for Development of Press Materials
ATTACHMENT B: Example Press Release

ATTACHMENT A

REQUEST FOR DEVELOPMENT OF PRESS MATERIALS

This is for ADEQ enforcement actions. Fill out only applicable portions of this form.

I. Press materials are needed for the following event:

|__| Enforcement Order Issued |__| Law Suit filed

|__| Law Suit Settled/Judgment

|__| Other: _____

II. Factual Background: Program taking action: _____

Brief description of the objectives of the program:

_____

Identity of Facility (name/address): _____

_____

Type of Noncompliance: _____

_____

Potential Effects on Public Health/Environment (if any):

_____

_____

Mitigation Measures Taken by Facility/Person (if any): _____

_____

_____

Previous Enforcement Actions Taken Against Facility (if any):

_____

Timetable for Achieving Compliance (if known): _____

_____

Proposed/Assessed Penalty (if any): _____

_____

Innovative Compliance Techniques (if any): _____

_____

Attach Copy of Action, Lawsuit or Court Decision/Order

ATTACHMENT A

REQUEST FOR DEVELOPMENT OF PRESS MATERIALS

This is for ADEQ enforcement actions. Fill out only applicable portions of this form.

I. Press materials are needed for the following event:

|__| Enforcement Order Issued |__| Law Suit filed

|__| Law Suit Settled/Judgment

|__| Other: _____

II. Factual Background: Program taking action: _____

Brief description of the objectives of the program:

_____

Identity of Facility (name/address): _____

_____

Type of Noncompliance: _____

_____

Potential Effects on Public Health/Environment (if any):

_____

_____

Mitigation Measures Taken by Facility/Person (if any): _____

_____

_____

Previous Enforcement Actions Taken Against Facility (if any):

_____

Timetable for Achieving Compliance (if known): _____

_____

Proposed/Assessed Penalty (if any): _____

_____

Innovative Compliance Techniques (if any): _____

_____

Attach Copy of Action, Lawsuit or Court Decision/Order

0057.000 COMPLIANCE AND ENFORCEMENT PRESS POLICY

Level One **Arizona Department of Environmental Quality**

Originator: Mark R. Santana, Administrative Counsel

Issue Date: October 12, 1995

Next Scheduled Review Date: October 12, 1996

APPROVED BY:

Arizona Department of Environmental Quality:

Karen J. Heidel 10-12-95

Karen J. Heidel, Ph.D.
Acting Director, ADEQ Date

FOR NCW 10/12/95

Nancy C. Wrona
Director, Date
Air Quality Division

10/12/95

Ethel DeMarr
Director, Date
Waste Programs Division

10/12/95

Kimberly W. MacEachern
Director, Date
Water Quality Division

APPENDIX P17

0111.000 REPORTING REQUIREMENTS FOR PUBLIC WATER SYSTEMS POLICY

Level Three **Drinking Water Section, Water Quality Division**

Originator: Peggy Guichard-Watters

Contact for Information: Mary Simmerer

Issue Date: September 25, 1996

PURPOSE

Under R18-4-104.Q, "...the results of all analyses completed pursuant to this Chapter shall be reported in a manner and on a form provided by the department." The purpose of this policy is to set forth ADEQ's current approach to this section of the drinking water rules in reference to public water system chemical reporting requirements.

AUTHORITY

R18-4-104.Q; R18-4-205; R18-4-208.E; R18-4-209.E; R18-4-212.H; R18-4-214.B; R18-4-215; R18-4-216.H; R18-4-217; R18-4-219.A; R18-4-219.D; Appendix B.

DEFINITIONS

For the purposes of this policy, chemical monitoring is defined as all of the contaminants listed in R18-4-205 through 217, and 307 through 314.

POLICY

Chemical analytical values from samples taken in the second compliance period which are reported as a "non-detection" at levels which exceed an increased monitoring trigger or Maximum Contaminant Level (MCL) standard do not meet regulatory requirements. Although the tests may be valid as far as the analyses value, procedures, test methods and laboratory certification, any value so reported does not meet the drinking water reporting requirements in rule. In accordance with the regulatory requirements, the public water system will receive a monitoring violation unless the results are re-submitted at levels required in drinking water rules.

For all regulatory chemical samples submitted to the Drinking Water Section which were taken in the first compliance period, all "less than" values exceeding the increased monitoring triggers established in Arizona Drinking Water Rules will be regarded as meaningless data, and cannot be used to substantiate granting reduced monitoring or waivers. Neither can the data be used to calculate compliance with the MCLs. The public water system will not receive a monitoring violation because the sampling was

performed, but they will receive reporting violations, as the reporting requirements in rule were not met. Any such data will be returned to the public water system, which has the opportunity to re-submit results if their laboratory can submit appropriate (satisfies ADHS Lab Licensure review of MDL procedures) documentation justifying the corrected reports. If documentation cannot be obtained or if the documentation does not support the correction of analytical results, then the water system will be in violation of ADEQ drinking water rules and may receive reporting violations and will not be eligible for reduced monitoring or waivers.

RESPONSIBILITY

All Drinking Water Section staff involved in reviewing data are responsible for implementing this policy.

0111.000 REPORTING REQUIREMENTS FOR PUBLIC WATER SYSTEMS POLICY

Level Three **Drinking Water Section, Water Quality Division**

Originator: Peggy Guichard-Watters

Contact for Information: Mary Simmerer

Issue Date: September 25, 1996

APPROVED

Level Three
Water Quality Division:

12/3/96
Kimberly W. MacEachern Date
Division Director
Water Quality Division

12/3/96
Peggy Guichard-Watters Date
Section Manager
Drinking Water Section

The Policy Review Committee has posted, reviewed, and accepted this policy by motion as of September 25, 1996.

11.25.96
Susan Bentley-Johnston Date
Recording Secretary