

**CITY OF PHOENIX
INDUSTRIAL PRETREATMENT
COMPLIANCE ACADEMY**



Enforcement

**WELCOME TO
THE CITY OF PHOENIX
INDUSTRIAL PRETREATMENT
PROGRAM
2025 COMPLIANCE ACADEMY**



ENFORCEMENT CLASS

City of Phoenix

- Mute
- Chat Function/Roll Call
- Recording
- Booklet
- Chlorine/Fire Alarms



WEBINAR/HYBRID RULES

City of Phoenix

1. Please respect the other attendees and speakers by keeping yourself muted during the webinar presentation
2. Please type your name/affiliation into the chat function to assist with roll call. If we do not see everyone who enrolled, we will call out the names of those who we haven't seen (virtually). This is for attendance/credit purposes. If you have questions, you can utilize the chat function or "raise your hand".
3. We may record the webinar for accessibility on our website – if you do not want your image (web camera) recorded, you can turn off that function
4. Please access our booklet on the green booklet tab at the Compliance Academy website:
<https://www.phoenix.gov/administration/departments/waterservices/environmental-excellence/industrial-pretreatment/compliance-academy.html>
5. If there are chlorine or fire alarms, we will direct you whether to group inside, outside in the triangle or exit the plant.

2025 PRETREATMENT COMPLIANCE ACADEMY

This training program is designed for Phoenix's Class A, B and C Permitted Industrial Users staff. Register ahead of time for the free virtual/in-person classes that typically run 2 hours.

Participants are awarded 2-3 Professional Development Hours (PDHs) at the end of each class and those who complete all six classes will receive a diploma.

Class Name	Date	Time	Enrollment Period
Wastewater Discharge Permit	January 22	9 – 11 a.m.	Dec 23 – Jan 21
Wastewater Compliance Sampling	March 26	9 – 11 a.m.	Feb 26 – Mar 25
Laboratory Analytical Issues	May 20	8 – 11 a.m.	April 21 – May 21
Enforcement	July 23	9 – 11 a.m.	June 23 – July 22
Pollution Prevention (P2)	September 25	9 – 11 a.m.	Aug 28 – Sept 24
Stormwater Compliance Overview	November 18	9 – 11 a.m.	Oct 20 – Nov 17

- **Next Class: Pollution Prevention (P2)**
- **Location: Webinar/Hybrid**



For enrollment status information or confirmations, please contact Principal Engineering Technician - Jesse Flores by phone at (602) 534-7588 or by email at jesse.flores@phoenix.gov.

LEARN MORE AND REGISTER BY VISITING:
phoenix.gov/IPPCompAcademy

JOIN US IN SEPTEMBER...

City of Phoenix

Check out our YouTube page as well for past recordings >> Search for **The Compliance Academy** by [CityofPhoenixAZ](https://www.youtube.com/playlist?list=PL22YB12L5NbRHyW8rSF7O1pqfhce_9nGw): https://www.youtube.com/playlist?list=PL22YB12L5NbRHyW8rSF7O1pqfhce_9nGw

Industrial Pretreatment Program Instructors:

- Daniel Bojorquez, Senior Water Quality Inspector
- Milton Sanchez, Environmental Services Supervisor

ENFORCEMENT CLASS INSTRUCTORS



City of Phoenix

Pretreatment:

Coordinator & Supervisor:

Chelsey Mc Cluskey (Pretreatment Compliance Coordinator), 602-495-5926,
chelsey.mccluskey@phoenix.gov

Supervisor – Inspectors:

Milton Sanchez (Environmental Services Supervisor), 602-495-7412, milton.sanchez@phoenix.gov
Kyle Smith (Environmental Quality Specialist), 602-534-9377, kyle.smith@phoenix.gov

Plans/Projects/Registration:

Jesse Flores (PET), 602-534-1439, jesse.flores@phoenix.gov

Permitting/Plans:

Christie O'Day (Water Services Projects Planner), 602-495-5925, christie.o'day@phoenix.gov

IPP:

Permitting/Determinations:

Daniel Bojorquez (SWQI), 602-534-2915, daniel.bojorquez@phoenix.gov
Tyler Swayne (WQI), 602-534-2905, tyler.swayne@phoenix.gov

Inspections:

Ayo Agunbiade (WQI), 602-534-2082, ayodele.agunbiade@phoenix.gov
Vacant (WQI)

Compliance/Enforcement:

Dan Snyder (SWQI), 602-534-2081, daniel.snyder2@phoenix.gov
Gita Kothari (SWQI), 602-534-2905, gita.kothari@phoenix.gov
Elyse Uribe (SWQI), 602-534-2078, elyse.uribe@phoenix.gov

1. Acronyms and definitions
2. Types of Violations
3. Enforcement Response Plan
4. Possible Enforcement Actions
5. Notice of Violation (NOV)
6. NOV Response
7. Common Issues



SYLLABUS

City of Phoenix

7. Show Cause Proceeding
8. Civil Penalty Policy
9. Pretreatment Settlement Agreement
10. Significant Noncompliance (SNC)
11. Potential consequences (Cases)
12. Additional compliance



QUIZ

SYLLABUS

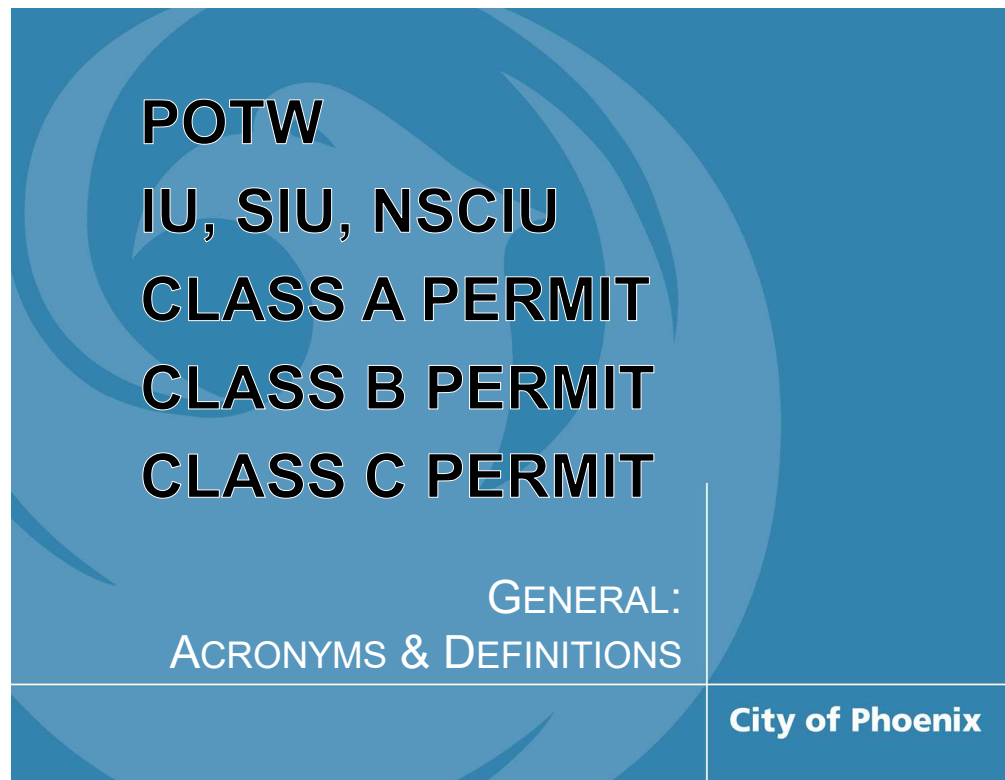
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NOTES:

Show Cause Proceeding – What it is and why you should avoid it.

Civil Penalty Policy – Based on the Civil Penalty Policy.

Significant Noncompliance (SNC) – What it is and why you want to avoid SNC status.



POTW – Publicly Owned Treatment Works

The treatment plants and connecting sewer collection system which are owned and/or operated, in whole or in part, by the City and which provide the City with wastewater collection and treatment services.

IU - Industrial User

1. A source of industrial discharge*; or
2. A nonresidential user which discharges more than the equivalent strength of 25,000 gpd of domestic wastes;
3. Any Significant Industrial User (SIU);
4. Has control over the disposal of a waste described in 1, 2, or 3 above;
5. Has the right of possession and control over any property which produces a waste as described in 1, 2, 3, or 4 above.

*Industrial discharge is not domestic, and per Code I is produced by a source subject to categorical standards or pretreatment requirements.

SIU - Significant Industrial User

Any user of the City sanitary sewer system who meets the following standards:

1. Is a Categorical Industrial User.
2. Discharges more than 25,000 gpd of process wastewater.
3. Wastewater is 5% or more of the hydraulic organic capacity of the POTW.
4. Has a reasonable potential for adversely affecting the POTW's operation.

NSCIU – Non-Significant Categorical Industrial User

Refer to (https://www3.epa.gov/npdes/pubs/CIU_oversight.pdf) – CIU that never discharges more than 100 gallons per day of total categorical wastewater; never discharge any untreated concentrated wastewater, (semi)-annually submits a certification statement

Class A Wastewater Discharge Permit A Permit issued by the City to an SIU

Class B Wastewater Discharge Permit A Permit issued by the City to an IU that:

1. Discharges equivalent strength of twenty-five thousand gallons per day of domestic waste as measured by BOD and TSS.
2. Discharges polluted groundwater.
3. Has a reasonable potential to adversely affect the POTW's operation.

Class C Wastewater Discharge Permit A Permit issued by the City to an NSCIU

CFR ERP NOV TISM

ACRONYMS & DEFINITIONS (1ST HALF)

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NOTES:

CFR – Code of Federal Regulation

Specifically, 40 CFR 136 to 149; 400 to 699, discusses in detail the requirements and regulations on wastewater treatment to include requirements of the POTW and IU classification.

ERP – Enforcement Response Plan

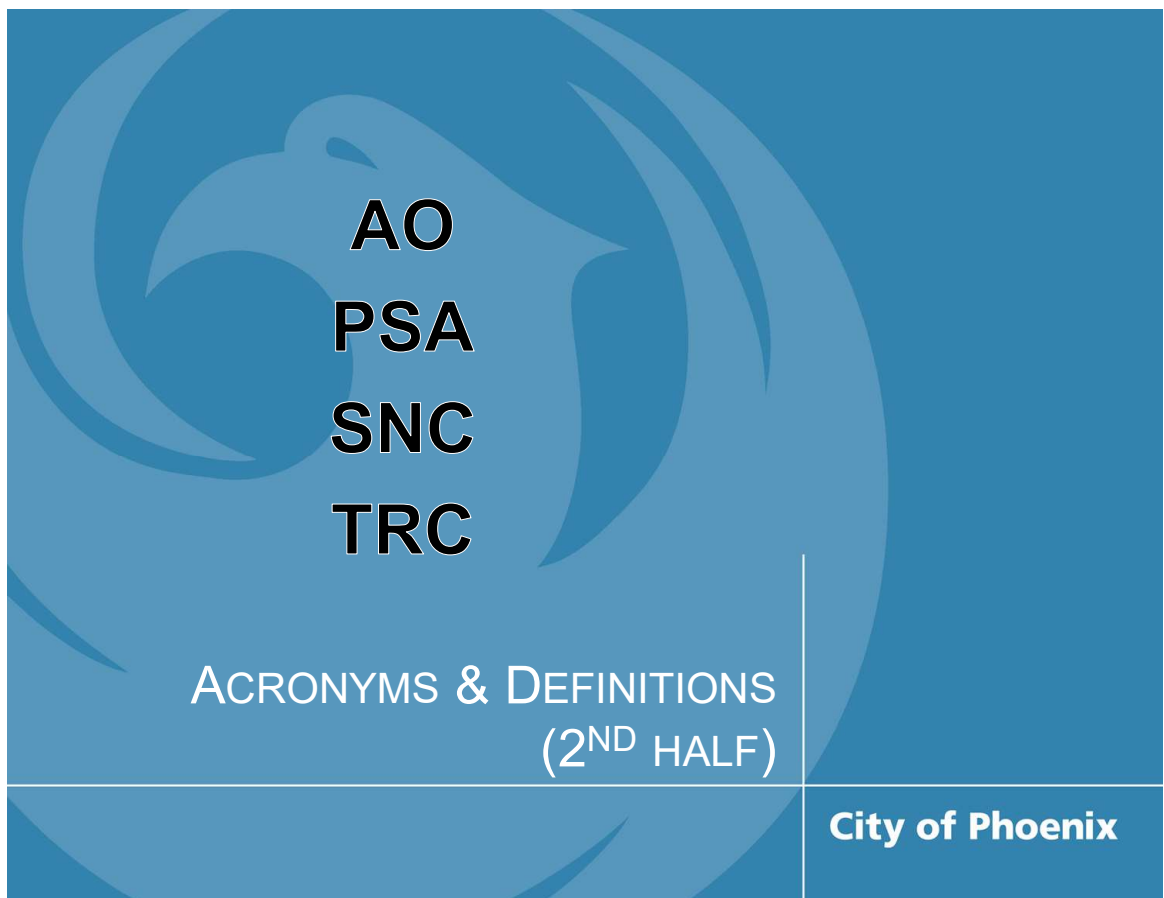
Is a written document that describes violations which can occur and the City's response to them. The ERP applies to Class 'A', Class 'B', Class 'C' Permit users (newly revised October 2020)

NOV - Notice of Violation

Is a written notice that the IU has violated a permit requirement.

TISM - Temporary Increase in Self-Monitoring

Is a requirement for additional sampling as a result of an effluent violation.



NOTES:

AO – Administrative Order

An issued document that is used to place an IU on an enforceable compliance schedule so that user will comply with pretreatment standards.

PSA - Pretreatment Settlement Agreement

Is the written document that formalizes the agreement reached by the City and the IU to resolve pretreatment violations.

SNC - Significant NonCompliance

Is a compliance status defined by EPA and Phoenix City Code. SNC status results in the IU being published as a violator in the newspaper.

TRC – Technical Review Criteria

A method used to determine the qualifications of an IU being placed in SNC status is appropriate or not appropriate to the current violation(s).

Types of violations an IU can be cited for:

- Effluent Limit(s)
- Reporting
- Permit Condition(s)
- City Code(s)

NON-COMPLIANCE

VIOLATIONS

City of Phoenix

NOTES:

There are several ways for a Permit Condition Violation to occur. We'll explore them in more in the next slides of this presentation.

An Effluent Limit Violation (ELV) occurs when an Industrial User (IU)'s discharge exceeds a Permit defined parameter.

Parameters are defined in the ***Discharge Limits and Sampling Requirements***, usually page 2 of your Facility's Permit

- Federal Regulations (40 CFR Categorical limits)
- Chapter 28 of Phoenix City Code (Local limits)
- AZPDES/NPDES Permits

EFFLUENT LIMIT VIOLATION

City of Phoenix

The Discharge Limits and Sampling Requirements page of the Permit (usually page 2) is also referred to as the Limits Table or Parameter Table.

EXAMPLE of an Effluent Limit Violation:

The parameter pH is limited to measurements between 5.0 – 10.5 Standard Units (SU). This means that pH must remain between 5.0 SU and 10.5 SU, or it is an effluent violation. A grab sample collected at the compliance sampling point, analyzed / measured in less than 15-minutes using a properly calibrated pH meter would be a compliance sample. If measured pH was 4.0 SU, this would be less than 5, and would be a low pH effluent limit violation. If the pH measured at 11 SU, this would be more than 10.5 and would be a high pH effluent limit violation.

A Monthly Average (MAV) may be derived from one analytical result

- Therefore it may be to the IU's benefit to sample more often than required in case one event has a high MAV
- MAV limit is usually lower than Daily Maximum

The calculated MAV for IU monitoring results and City monitoring results cannot be combined. This applies to the Daily Maximum measurements also.

EFFLUENT LIMIT VIOLATION DAILY VS. MONTHLY AVERAGE

City of Phoenix

Monthly Average Effluent Limitation

"The maximum allowable average of daily discharge values collected from a specific compliance sampling point over a calendar month; calculated as the sum of all daily discharge results measured during a calendar month, divided by the number of days for which monitoring was performed and valid data from analytical results were obtained. The monthly average result may be derived from a single analytical result. Because the control authority must independently determine industrial user compliance, measurements from self-monitoring and measurements from City of Phoenix monitoring shall not be combined to arithmetically determine compliance with Average Monthly Discharge Limitations."

Daily Maximum Effluent Limitation

"The maximum allowable daily discharge of a pollutant. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken over a sampling day. Because the control authority must independently determine industrial user compliance, measurements from self-monitoring and measurements from City of Phoenix monitoring shall not be combined to arithmetically determine compliance with Daily Maximum Limitations."

A reporting violation occurs when any requested document required by the City is submitted either late, incomplete, or not at all.

These documents may include:

- Reports
- Response Letters
- Schematics
- Data collections
- SMRs



REPORTING VIOLATION

City of Phoenix

Additional example of a reporting violation:

- Quarterly sampling performed in December 2024 that is reported as a part of sampling period January 1, 2025 to January 31, 2025.

A COMPLETE SELF MONITORING REPORT MUST INCLUDE:

Date and time of sampling	Sampling method
Preservative and preservation method	Date sample was analyzed
Sample analysis method	Chain-of Custody record

Note: Split Sample results submitted more than 45 days after the sample collection date are no longer considered a violation – split samples are only to be used to contest City sample results.

EXAMPLES

- Self-Monitoring Reports (SMRs) received or postmarked after the 28th of the month
- Failure to notify the City within 24 hours of a known or suspected effluent violation
- Late submittal of any sample result
- Late submittal of a required response or document (i.e. Slug Control Plan)

REPORTING VIOLATION

City of Phoenix

Other examples of reporting violations are:

- The October 2023 SMR (with September 2023 results) is not received until November 15, 2023.
- Not reporting a known or *suspected* effluent discharge. Remember to contact your inspector if there is a *suspicion* that the effluent may be in violation of the permit.

<u>SAMPLE</u>	<u>COLLECTION</u>	<u>PRESERVATION</u>	<u>CHAIN of CUSTODY</u>
Parameter Name	Date	Preservative	Name, Date, and time
Parameter Type	Time	Method	of each change
	Method		
	Person		

Permit Condition Violations are failure to perform Sampling, Monitoring, Reporting, or Other requirements of:

- A Wastewater Discharge Permit
- Permit Standard Conditions
- Temporary Discharge Permit
- An Inspection
- An Administrative Order



PERMIT CONDITION VIOLATION

City of Phoenix

A Permit Condition Violation occurs when the Industrial User fails to meet a permit condition. This also includes requirements from:

- Inspections, including:
 - Annual Unannounced Compliance Inspections
 - Demand Inspections
 - Other
- Notices, including
 - Notices of Violation
 - Review Meetings
 - Show Cause Proceedings
 - Pretreatment Settlement Agreements
 - Other

- Denying authorized City employees access
- Not measuring flow/not measuring correctly
- Not documenting pH meter calibrations and/or flow meter checks and QC checks
- Not meeting analytical method QA/QC criteria for compliance reporting
- Failure to properly operate pretreatment system
- Failure to sample
- Failure to properly analyze/preserve



PERMIT CONDITION VIOLATION

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SAMPLING

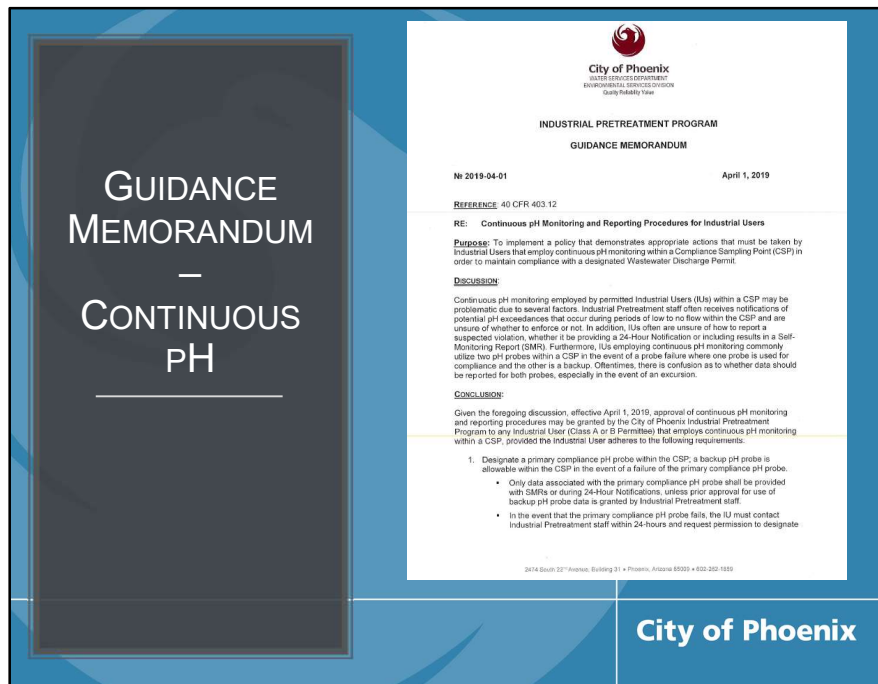
- Failure to sample
- Missed Sample
- **Failure to use proper:**
 - Sample Location (not taken from Compliance Sampling Point)
 - Sample Collection Method
 - Analytical Method
 - Sample Preservation Method

UNLAWFUL DISCHARGE

FAILURE TO OBTAIN A PERMIT

MONITORING

- **Failure to Maintain:**
 - Pretreatment System
 - Adequate records
- **Failure to Notify City of Changes to:**
 - Pretreatment System
 - Processes & Operations



Guidance Memorandums are documents created by IPP to assist IUs in achieving compliance.

- Only send backup probe data if compliance/enforcement inspector indicates that it is necessary. Only send designated pH probe data
- If a pH probe fails, once you are aware, request permission to use the backup pH probe data w/in 24 hours
- When including information with SMRs (later on), do not include data that is below the flow accuracy of the equipment. However, when providing initial violation data, include 15 minutes before and after violation.

GUIDANCE MEMORANDUM — CONTINUOUS pH

No 2019-04-01 April 1, 2019

the backup probe as the primary compliance pH probe.

- Failure to notify Industrial Pretreatment staff of pH probe failure and request designation of a backup probe may result in enforcement action.

2. Provide information regarding pH probe placement and height relative to the CSP.

- This may include the distance from the bottom of the CSP to the level of wastewater at which the pH probe will properly measure the pH of the wastewater when submerged. This may be similar to the distance between the bottom of the CSP and the tip of the probe.

3. Determine at what flow rate (in gallons per minute) the CSP pH probe will no longer be submerged or allow for accurate readings (i.e. low flow conditions).

4. Determine at what flow rate (in gallons per minute) the CSP flow meter cannot accurately measure flow (i.e. low flow conditions).

- The manufacturer may provide a margin of error for low flow instances.

5. Discontinue continuous pH measurement during discharge events with flow rates specified above.

- This includes time periods with no wastewater discharge through the CSP.
- Document when and why continuous pH measurements are discontinued.

6. Report all excursions, known or suspected, to Industrial Pretreatment staff within 24-hours of the event.

- Flow and pH data must be provided for each excursion, including fifteen minutes prior to and after the excursion event.

7. Suspected excursions which occurred during events with flow rates specified above that were properly reported and verified by Industrial Pretreatment staff are not considered true excursions and will not be subject to enforcement.

- Suspected excursions that are not considered true excursions should not be included in the SMR.

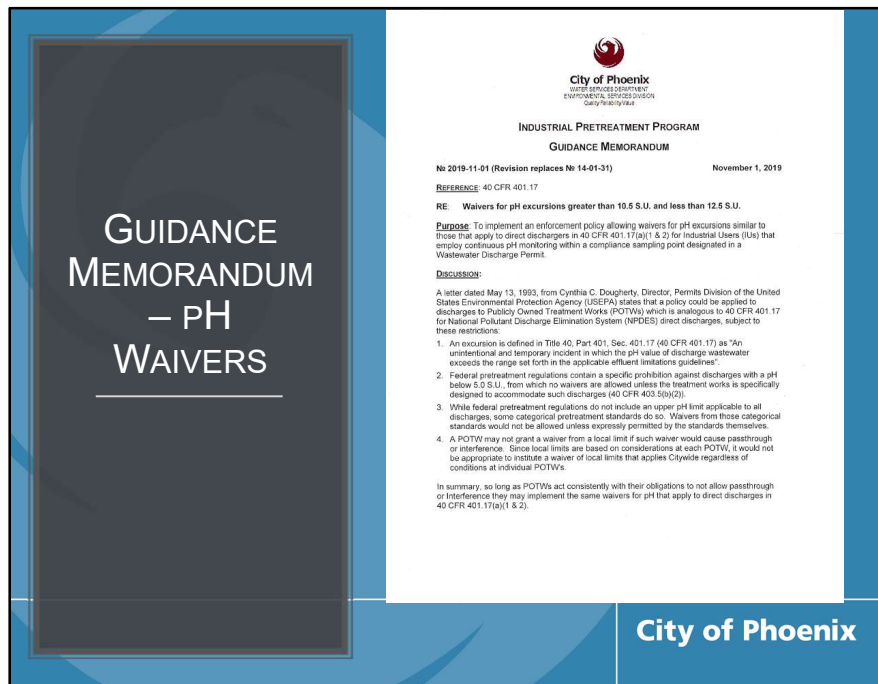
This policy is effective April 1, 2019.

Approved Jennifer Calles
Date 3/13/2019

Jennifer Calles, Deputy Water Services Director

City of Phoenix

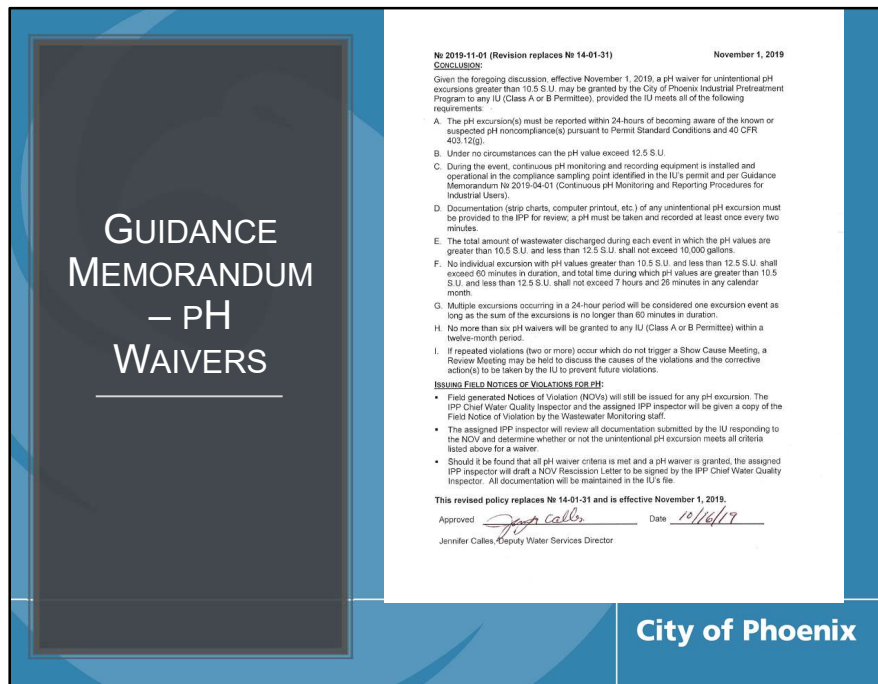
- Provide information on the pH probes placement and height relative to Compliance Sample Point
- Determine the low flow conditions (for both pH and flow meter)
- Low flow data **should not** be submitted with SMR data
- Report **all known or suspected** pH excursions within 24 hours (including data 15 minutes before and after)
- Suspected excursions during low flow events that are verified by IPP will not be subject to enforcement (but should still be reported)



This Guidance Document covers pH waivers which are only available to continuous pH permittees if certain parameters are met.

New revision is forthcoming due to program updates

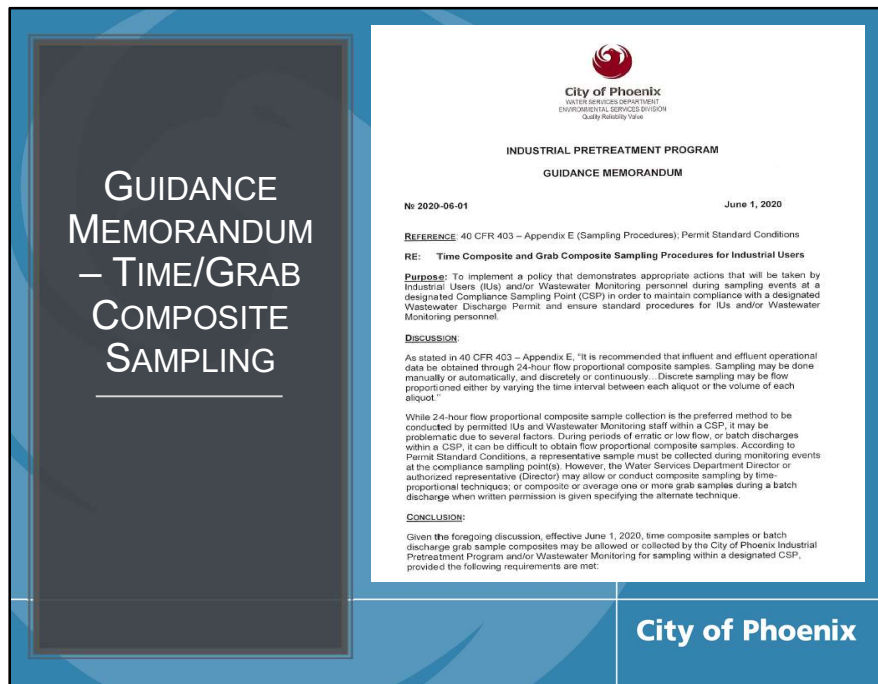
- The excursion cannot be lower the 5.0 S.U. or exceed 12.5 S.U.
- No single excursion may be more than 60 minutes or greater than 10,000 gal (multiple excursions over 24hrs would be considered one excursion).



2019 Revision

Changed total time to 60 minutes per day and multiple excursions in 24 hours will be counted as one total excursion if they do not exceed that 60 minutes in duration; 7 hour and 25 minutes for a total month cannot be exceeded (instead of 1% of discharge time)

- Decreased continuous pH monitoring requirement to once every 2 minutes
- Revised allowance for total percentage of time discharged per exceedance to an amount of gallons discharged (<10,000)
- Increased number of waivers (6 instead of 4)
- Review Meeting may be held if 2+ effluent waivers given (in lieu of NOVs and Show Cause)
- New reference to 2015 Permit Standard Conditions and to previous Guidance Memo on Continuous pH Monitoring & Reporting



This is a new policy that was implemented June 2020. The guidance document covers time composite and grab composite sampling.

24-hour flow proportional composite sampling is the EPA preferred method. However certain permittees with erratic flows and/or batch discharges cannot use this method (the sample wouldn't be considered representative).

GUIDANCE MEMORANDUM – TIME/GRAB COMPOSITE SAMPLING

Nr 2020-06-01
June 1, 2020

1. The IU can demonstrate through business operations or processes conducted onsite that there is/are:
 - Abnormally erratic or low flows
 - Non-continuous batch discharges
 - Significant (temporary) changes in flow
 - Unknown flows due to lack of historical data (new IU)
2. The IU can demonstrate that collection of flow proportional composite samples causes undue burden or is otherwise prohibitive or unreasonable.
3. If employing manual compositing, the individual sample portions (aliquots) must consist of equal volumes obtained from the beginning, middle and end of the thoroughly mixed batch employing a constant flow rate. The individual sample aliquots must be poured into the designated composite container and preserved at the time of sample collection.
4. If employing time compositing, the individual sample aliquots must consist of equal volumes collected at constant time intervals. The individual sample aliquots must be poured into the designated composite container and preserved at the time of sample collection.
5. The IU and/or Wastewater Monitoring staff must submit a written request for use of time composite (time-proportional composite sampling) or batch discharge grab composite (compositing or averaging or one or more grab samples) using the approved form as applicable.
6. The Director will review all requests for alternate sampling, and provide written approval when conditions are in compliance with this guidance memorandum.

This policy is effective June 1, 2020.

Approved *Jennifer Calles*

Jennifer Calles, Deputy Water Services Director

Date *5/7/2020*

City of Phoenix

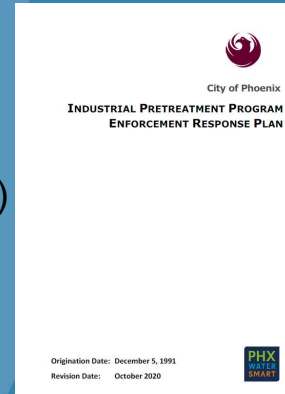
- IU must demonstrate the difficulty of collecting a proper flow proportional composite sample and a written request must be sent and approved by Program Director.
- Manual Composite – individual samples (aliquots) must be taken at the beginning, middle, and end of the discharge **and be of equal volume**.
- Time Composite – Individual samples must be collected at constant time intervals **and be of equal volume**.
- Appropriate flow documentation must be filled out and submitted to IPP staff for each discharge event.

The Enforcement Response plan:

- An EPA requirement of the City of Phoenix
- Describes enforcement actions that can be taken for violations

The Enforcement Response plan also:

- Ensures a consistent city response
- Provides guidance
- Ensures transparency (public scrutiny)



ENFORCEMENT RESPONSE PLAN

City of Phoenix

The original City of Phoenix's Enforcement Response Plan (ERP) was approved by the EPA on December 5, 1991. The recent revision was approved October 2020 and implemented shortly thereafter.

The Enforcement Response Plan is intended to provide metrics to ensure consistent, impartial response to violations of the Wastewater Discharge Permit and Chapter 28 of Phoenix City Code.

- The Enforcement Response Plan and Phoenix City Code Chapter 28 revisions were approved October 7, 2020
- Changes implemented were intended to add flexibility for IPP Inspectors with regards to enforcement action
- Changes also reflect an optional Streamlining Rule provision changing SNC criteria from 30+ days late to 45+ days late

ENFORCEMENT RESPONSE PLAN
(UPDATES)

City of Phoenix

Generally speaking, changes have made enforcement actions less stringent for IU's.

ADEQ is adopted the Streamlining Rule provisions in January 2023 and provided guidance in July 2025 in order to accommodate Phoenix and other municipalities.

We are working on additional Chapter 28 amendments with the hope to bring them to Council by the end of 2025 – Permit Standard Conditions will be updated to reflect these changes and any other clarifications. There are areas of the ERP that may be updated to reflect current practices as well.

Informal (no \$\$\$):

- Courtesy phone call or e-mail (may be followed by an NOV)
- Notice of Concern
- Notice of Violation (NOV) + Temporary Increase In Self-monitoring
- Demand inspection
- Review meeting

ENFORCEMENT ACTIONS

City of Phoenix

- Industrial Users are informed of almost all violations by phone call or email, followed by an NOV.
- An NOV is generally issued for all violations, but may depend on the situation, compliance status, length of permitting, etc.
- A Temporary Increase in Self Monitoring (TISM) is issued for almost all parameter violations. The TISM requires additional samples to be taken, usually one sample per week for four consecutive weeks. These additional samples are separate from and in addition to any samples required by the Permit.
- An inspection will be performed if a TISM cannot be done. The company may be charged for the cost of this inspection.
- Review meetings can be held to discuss an inadequate NOV response or continuing noncompliance. The purpose of the meeting is to stress the importance of correcting situations that may lead to SNC, or to other elevated enforcement actions. No monetary penalties are assessed at review meetings.
- Notice of Concern - A notice to make the IU aware that they are beginning to stray from compliance and ensure they are aware of an issue or concern. They are meant to be preemptive to a NOV.

Formal (\$\$\$):

- Show Cause Proceeding
 - Pretreatment settlement agreement
- Administrative Order (AO)
- Civil penalties

FINED!

ENFORCEMENT ACTIONS

City of Phoenix

- An Administrative Order (AO) is used if immediate enforcement is required, such as a Cease and Desist Order; may be initiated after a Show Cause Proceeding
- A Show Cause Proceeding is a formal enforcement action at which City and Permittee representatives discuss violations listed in a Notice to Show Cause. Penalties are usually assessed (Civil Penalties), and results are finalized with a Pretreatment Settlement Agreement (PSA).

Other types of enforcement actions:

- Suspend or revoke permit
- Termination of water and/or sewer service
- Civil lawsuit
- Criminal prosecution



EXTREME CASES OF ENFORCEMENT ACTIONS

City of Phoenix

The City has the option to take enforcement action without a Show Cause Proceeding, including discontinuing sewer service.

- Reasons to suspend or revoke a Permit are found in the Permit Standard Conditions.
- The City has authority to halt any actual or threatened discharge to the Publicly Owned Treatment Works (POTW) that may represent a danger to the public, the environment, or the POTW, upon notifying the Industrial User.
- The City has authority to file a civil lawsuit against alleged violators of pretreatment standards. The City can seek injunctive relief, mandated compliance, civil penalties, and damages. Civil penalties may not exceed \$25,000 per day, per violation, and we must assess a penalty of at least \$1,000. For continuing violations, each day may constitute a separate violation.
- The City Prosecutor is authorized to seek criminal punishment for any person who violates pretreatment standards or any person who knowingly makes a false statement regarding any report, application, record, or other document required by the General Pretreatment Regulations and City Code.

The city will issue a Notice of Violation (NOV) generally for every violation.

An NOV :

- Is hand delivered or sent by certified mail
- Requires a written response
- Will include due dates for required actions

NOTICE OF VIOLATION

City of Phoenix



December 2, 2023

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Mr. Joe Sample
QA Manager
Imaginary Company
Street Address
Phoenix, Arizona 85XXX-XXXX

NOTICE OF VIOLATION

RE: Effluent Limits (Self-Monitoring)

Wastewater Discharge Permit № 2XXX-XXXX
Phoenix City Code Section 28-44(A)
40 CFR 403.5 (d) Local Limit OR 40 CFR 403.5 (b) Specific
Pollutant Prohibition [DELETE IF N/A] OR 40 CFR [specific
categorical reg i.e. 433.17] [DELETE IF N/A]

Wastewater discharged to sewer from Imaginary Company ("Acronym") exceeded the maximum allowable concentration for the following parameter as established in Wastewater Discharge Permit № 2XXX-XXXX ("Permit") at Compliance Sampling Point ("CSP") № XXXXX.0X. The violation was reported by Imaginary Company on November 16, 2023, and the analytical results were received by Imaginary Company on November 16, 2023.

<u>DATE</u>	<u>PARAMETER</u>	<u>DISCHARGE CONCENTRATION</u>	<u>DISCHARGE LIMITATION</u>
11/01/2023	Copper	2.34 mg/L	1.5 mg/L (D)

* D = Daily Maximum MAV = Monthly Average I = Instantaneous Limit P = Prohibited

Requirements

1. Imaginary Company is required to submit to the City of Phoenix Industrial Pretreatment Program ("IPP") a detailed written report no later than **December 16, 2023**, outlining the reason(s) the exceedance occurred, along with the corrective action(s) taken to prevent future violations. At a minimum, this report must address the following:
 - A. Names and positions of all people involved with the investigation into why the violation occurred.
 - B. A summary of the events of the investigation, including dates and amount of time expended on the investigation.
 - C. The conclusions reached.

- D. The corrective action(s) taken or to be taken and date(s), including completion date(s).
 - E. How this action(s) will prevent future violations from occurring.
2. Automatic 30-day resampling and analysis are not required by the Permittee where the City of Phoenix has performed the sampling and analysis in lieu of the Permittee. The City of Phoenix will perform the 30-day resampling and analysis unless it notifies the Permittee of the violation AND requires the Permittee to perform the 30-day resampling and analysis. [Delete if facility is required to sample]

The City of Phoenix collected the 30-day resample on **November 29, 2023**; therefore, **FACILITY NAME** is not required to do so. [OR Under Standard Conditions Section G of the Permit, **FACILITY NAME** is required to automatically resample for **PARAMETER** and submit to the City of Phoenix IPP in writing, the results of analysis within 30-days of becoming aware of the violation. **FACILITY NAME** was made aware of the violation on **November 16, 2023**; therefore, the 30-day resample is due no later than **December 16, 2023**.]

Please note that this sampling must be performed in addition to and apart from any sampling required by your Permit or other Notices of Violation ("NOVs"). A separate sample must be collected on a separate day using Permit required sampling methods in order to meet requirements of this NOV.

Failure to comply with the requirements of this letter will subject **Imaginary Company** to further enforcement action(s). This Notice does not preclude the City from taking additional enforcement action(s) under Chapter 28 of the Phoenix City Code.

Should you require additional time to complete the report, a written request for an extension must be submitted to the City of Phoenix Industrial Pretreatment Program prior to the above due date.

Should you have any questions regarding this notice, please contact me at phone N^o (802) **XXX-XXXX**, or e-mail at **first.last@phoenix.gov**. My office hours are from **7:00 a.m. to 3:30 p.m., Monday through Friday**.

Sincerely,

*

First Name Last Name
(Senior) Water Quality Inspector

Enclosures: **Temporary Increase in Self-Monitoring (TISM) Letter**
30-Day Resample & TISM Sample Reporting Forms



December 2, 2023

ENCLOSURE TO NOV

DATED December 2, 2023

Mr. Joe Sample
QA Manager
Imaginary Company
Street Address
Phoenix, Arizona 85XXX-XXXX

Dear Mr. Sample:

RE: Temporary Increase in Self-Monitoring ("TISM") For **Parameter**

As detailed in the preceding Notice of Violation ("NOV") dated **December 2, 2023**, **Imaginary Company ("Acronym")** exceeded the maximum allowable limit for **Parameter** on **November 1, 2023**, as established by Wastewater Discharge Permit № **2XXX-XXXX ("Permit")**.

REQUIREMENTS

As a result of the violation(s), **Imaginary Company** is required to sample for **Parameter** at Compliance Sampling Point ("CSP") № **XXXXX.0X**, once per **day/week** for four (4) consecutive **days/weeks**, beginning the week of **December 13, 2023**.

- All samples must be collected as **flow proportional composite / grab** samples and analyzed both in accordance with Permit Standard Conditions Section B and D.
- This sampling must be performed in addition to and apart from any sampling required by your Permit or other Notices of Violation ("NOVs"). Separate samples must be collected on separate days using Permit required sampling methods in order to meet requirements of this NOV.
- Written results of each TISM sample must be received by the City of Phoenix Industrial Pretreatment Program within five (5) days from the contracted laboratory report date, and in no case more than 30-days from the TISM sampling date.
- Twenty-four (24) hour notification shall be made to the City of Phoenix Industrial Pretreatment Program for any additional known or suspected violations resulting from the TISM.

Failure to comply with the requirements of this letter will subject **Imaginary Company** to further enforcement action(s). Furthermore, the requested action does not preclude the City from taking additional action under Chapter 28 of the Phoenix City Code.

Should you have any questions regarding this notice, please contact me at phone № (602) **XXX-XXXX**, or e-mail at **first.last@phoenix.gov**. My office hours are from **7:00 a.m. to 3:30 p.m., Monday through Friday**.

Sincerely,

ADDITIONAL SAMPLING SUMMARY AND CERTIFICATION

Company Name: _____
Address: _____

Compliance Sampling Point: _____
Parameter(s) Sampled: Cadmium
Sample required for: (circle one) 30-Day Resample or TISM No. 1 2 3 4
Sample Result: _____
Date / Time Samples Collected: _____
Flow / Volume (gallons per day): _____
Sample Type: _____
Preservative(s): _____
Name of Person Sampling: _____
Date Results Received from Laboratory: _____

I certify under penalty of law that the analysis for any parameters included with this report was performed by a laboratory licensed by the State of Arizona to perform such analysis, and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SIGNATURE OF RESPONSIBLE COMPANY OFFICIAL

Printed Name: _____
Title: _____
Date: _____

Note: Submit this form with EACH TISM sample you submit. Circle the TISM sample you are submitting. Submit laboratory analysis data sheets with your TISM results, if applicable. If you are submitting thirty day resample information, circle 30-day resample and submit with your lab data.

REMINDER: TISM results are due within five days of becoming aware of the results but in no event, no more than 30 days from the date of sampling.

- The response should answer the questions of the violation:



- This is the industrial user's opportunity to present any facts about the violation the city should consider
- All NOVs Responses must be submitted in hard copy form and have original signature of an Authorized Signatory

RESPONDING TO AN NOV

City of Phoenix

The date that the response is due will be indicated in the Notice of Violation.

A response to an NOV that does not address the who, what, when, why, where, and how of the violation will be deemed insufficient. An insufficient response to an NOV will be returned ONE time for correction.

The response must include:

- Names and titles of all people involved in the investigation
- A summary of events, including dates and amount of time spent investigating
- Conclusions reached
- Corrective actions taken or to be taken
- How these actions will prevent future violations

RESPONDING TO AN NOV



City of Phoenix

The NOV Response Report should address each required item.

A good way to organize the NOV Response Report is to copy each NOV requirement, and then state your response to the requirement.

Example...

- Violation: Notareal Company discharged industrial wastewater that measured a pH of 4.0 S.U. for several hours on June 16, 2021

RESPONDING TO AN NOV

City of Phoenix

Sufficient Response...

- Notareal Company's maintenance manager, Mr. John Doe, trouble-shooted for 3 hours on June 16, 2021, and found out that there was a faulty sensor at the chemical injection which led to over-dosing of sulfuric acid in the neutralization tank and the system was overwhelmed.
- A lack of Preventative Maintenance to the system and/or premature failure of the sensor contributed to the issue.

RESPONDING TO AN NOV

City of Phoenix

- A. Names and positions of all people involved with the investigation into why the violation occurred
- B. A summary of the events of the investigation, including dates and amount of time expended on the investigation
- C. The conclusions reached.

- A new sensor was ordered on June 16, 2021, and pH was manually adjusted for the remainder of the production period. Non-compliant wastewater was routed to the holding tank for further treatment. All probes were calibrated to verify pH readings.
- A Preventative Maintenance (PM) checklist was created on June 17, 2021 and PMs will be completed weekly to ensure all parts are in working condition and no future violations occur.

RESPONDING TO AN NOV

City of Phoenix

D. The corrective actions taken or to be taken and dates, including completion dates.

E. How this action, or actions, will prevent future violations from occurring. Please include additional training plans too.

Note: a real NOV response must include more documentation, and details of the corrective actions.

Submittal of copies of maintenance logs, calibration logs, in-process analysis, and other data are important to document the investigation and response.

The NOV response should be:

- Thorough
- Written (signed hard copy)
- Explain what caused the violation
- Describe measures implemented to prevent a repeat violation



RESPONDING TO AN NOV

City of Phoenix


The response allows the City to:

Determine if the Industrial User understands why and how the violation occurred.

Evaluate the effectiveness of corrective actions.

Evaluate if the Industrial User has successfully returned to compliance.

Contacting the inspector assigned to monitor your facility to ask questions **is not** a burden; it is encouraged that you inquire if there is something that is not clear.



**When in doubt, reach out to your
enforcement and compliance inspector!**

City of Phoenix

5 minutes



BREAK TIME

City of Phoenix

Circumstances that may or will lead to a Show Cause Proceeding include:

- Two or more effluent violations within 90 days
- Two or more reporting violations within 180 days
- Significant noncompliance (SNC)

SHOW CAUSE PROCEEDINGS

City of Phoenix

The current ERP allows Review Meetings in lieu of Show Cause Proceedings in some situations.

SNC will automatically trigger a Show Cause Proceeding.

- Includes City Attorney and pretreatment officials
- Requires facility representatives to appear
- An opportunity to present facts and any mitigating circumstances regarding violations
- Almost always results in specific corrective actions and time frames
- Includes assessment of civil penalties



SHOW CAUSE PROCEEDINGS

City of Phoenix

Assistant City of Phoenix Attorney IV – Dezerai Fisher

The Civil Penalty Policy is:

- A guideline for assessing monetary penalties
- Intended to ensure consistent enforcement
- Uses a defined calculation to determine penalties



CIVIL PENALTY POLICY

City of Phoenix

In general, the more serious the violation, the higher the penalty.

Penalties are calculated using monetary multipliers that increase based on weighting factors.

Penalty = monetary multiplier x (1 + a + b + c + d)

Weighting factors are:

- A. Violation significance (% over or under limit)
- B. Health and environmental harm or potential harm (volume)
- C. Number of violations (per month)
- D. Duration of noncompliance (penalty period)

EFFLUENT VIOLATION CIVIL PENALTY

City of Phoenix

Base amount:

- Daily limit violations for Copper and Lead = \$600.
- Daily for all other parameters = \$300.
- Monthly average violations for Copper and Lead = \$100 x number of production days per month.
- Monthly average violations for all other parameters = \$50 x number of production days per month.
- Repeat offenders = double the above base amounts.

Reporting violation calculations are based on how late the report was and whether there was an effluent violation being reported

- Late reports with an effluent violation range from \$60 to \$800
- Late reports without an effluent violation range from \$30 to \$400

REPORTING VIOLATION CIVIL PENALTY CALCULATION

City of Phoenix



June 28, 2023

Mr./Ms. First Last Name
Title

Facility Name
Street Address

Phoenix, Arizona 850XX-XXXX

Certified Mail

Return Receipt Requested

NOTICE TO SHOW CAUSE

Facility Name (Industrial User) has been previously notified of **effluent limit and reporting** violations. In light of the pretreatment violations identified below and detailed in the attached notices, the City of Phoenix – acting as the Control Authority under 40 CFR Part 403 and operating in accordance with Phoenix City Code Ch. 28 – hereby notifies Industrial User that the City will use all appropriate remedies (including monetary penalties) to address the pretreatment violations.

Industrial User's representatives must attend a Show Cause Proceeding at:

Address: City of Phoenix 23rd Avenue WWTP
Environmental Services Division
2474 South 22nd Avenue, Building 31
Phoenix, Arizona 85009

Room: Water Services Building Conference Room

Date/Time: **9:00 am on Wednesday, August 28, 2023**

[For virtual meetings]

Location: **WebEx – Virtual Platform**

Log-In: **Link and information to be provided via e-mail**

Date/Time: **9:00 am on Wednesday, August 28, 2023**

During the Show Cause Proceeding, Industrial User will have the opportunity to respond to the City's allegations and to show cause why the City should not initiate legal action or seek the maximum penalty allowed under Phoenix City Code Sections 28-82, 83.

Industrial User, during the time period of **April 15, 2023 to August 1, 2023**

- **Discharged in violation of applicable limitations on at least five occasions.**
- **Submitted one report a total of one day late**

REQUIREMENT

For the City to consider any written response to this Notice to Show Cause, the City's Environmental Services Division must receive that response from Industrial User by **Friday, August 16, 2023**. A Copy of the City's Civil Penalty Policy detailing such considerations is enclosed.

Industrial User must have persons knowledgeable about the alleged matters – and persons having financial decision-making authority – in attendance at this meeting. Industrial User's representatives may be accompanied by their legal counsel if desired. (A representative from City's Law Department will be present at the meeting.) Industrial User's failure to appear at the meeting will result in the City taking all appropriate enforcement action it deems necessary, based on the facts outlined in this Notice and its attachments.

If you have any questions regarding this Notice, please contact Chelsey Mc Cluskey at 602-495-5926. Her office hours are 7:00 a.m. to 3:30 p.m., Monday through Friday.

Sincerely,

Christine Nuñez
Environmental Programs Coordinator

Enclosures: List of Violations
Penalty Calculations
NOV dated May 31, 2023 - Reporting
NOV dated April 28, 2023 – Cadmium
NOV dated June 7, 2023 - Zinc
NOV dated June 7, 2023 – Copper x 2
NOV dated June 7, 2023 – Mercury
Civil Penalty Policy

e-copy: Charles Cahoy
Christine Nuñez |
Chelsey Mc Cluskey
Jesse Flores
Compliance/Enforcement Inspector

LIST OF VIOLATIONS

Regulated Under 40 CFR 403
Phoenix City Code Chapter 28 & Permit Number 1

CITY MONITORING VIOLATIONS

<u>Date</u>	<u>Parameter</u>	<u>Minutes of Excursion</u>	<u>Discharge Concentration</u>	<u>Discharge Limitation*</u>
09/09/2020	pH	N/A	10.7 S.U.	10.5 S.U. (I)

SELF MONITORING VIOLATIONS

<u>Date</u>	<u>Parameter</u>	<u>Minutes of Excursion</u>	<u>Discharge Concentration</u>	<u>Discharge Limitation*</u>
12/15/2020	pH	N/A	11.8 S.U.	10.5 S.U. (I)
12/24/2020	pH	N/A	11.0 S.U.	10.5 S.U. (I)

REPORTING VIOLATIONS

<u>Report</u>	<u>Due Date</u>	<u>Received Date</u>	<u>Days Late</u>
Self-Monitoring Report	06/28/2020	06/29/2020	1
24-Hour Notification	12/16/2020	01/25/2021	40
24-Hour Notification	12/25/2020	01/25/2021	31

PERMIT CONDITIONS VIOLATIONS

<u>Date</u>	<u>Violation</u>
None	None

CITY CODE VIOLATIONS

<u>Date</u>	<u>Violation</u>
None	None

* I = Instantaneous Limit

After penalty calculations, the control authority considers other factors which may increase or decrease penalties:

- Seriousness of the violation
- Economic benefit
- Good faith effort
- Degree of culpability and recalcitrance
- Compliance history
- Need for deterrence
- Ability to pay

CIVIL PENALTY POLICY

City of Phoenix

1. Penalties should be large enough to deter noncompliance, both by the violator and others similarly situated.
2. Penalties should help ensure a level playing field by making certain that violators do not obtain an economic advantage over others who have complied in a timely fashion.
3. Penalties should generally be consistent across industrial pretreatment programs to promote fair and equitable treatment of the regulated community.
4. Settlement penalties should be based on a fair and logical calculation methodology to promote expeditious resolution of enforcement actions and their underlying violations.

The agreement reached by both parties is documented in a Pretreatment Settlement Agreement (PSA) and may include:

- Civil penalties
- Compliance schedule or other requirements (see administrative order)
- Penalties to be paid for failure to meet compliance schedule deadlines
- Newspaper publication fee

PRETREATMENT SETTLEMENT AGREEMENT

City of Phoenix

- Was there danger to life and health?
- What, if anything, did the IU gain from the violation as opposed to others in compliance?
- Did the IU take action to improve compliance only after a decision was made adverse to its interests, or the issuance of the Notice to Show Cause?
- Was the IU negligent, reckless, have intent, have knowledge of requirements but ignore them?
- Was there unjustified delay in preventing, mitigating, or remedying the violation in question?
- Is the IU a chronic offender, or is this a one time instance?
- Is it necessary to send a specific and/or general deterrence message for the violations at issue to the regulated community?
- Were any corrective actions taken to mitigate future violations?
- What effect will the fine have on the company? Documentation may be needed to ascertain the violator's financial condition. Any statements of financial condition should be appropriately certified.

Before a PSA is finalized, a proposed pretreatment settlement agreement notice is advertised in the *Arizona Republic* or newspaper of general circulation, and on our website.

Arizona Revised Statute (ARS) section 49-391 requires a 30 day public review and comment period for all proposed pretreatment violation settlement agreements.

PRETREATMENT SETTLEMENT AGREEMENT

NOTICE OF PROPOSED PRETREATMENT SETTLEMENT AGREEMENT

In accordance with Phoenix City Code (PCC) §28-46.7, ARS §49-371, and the public participation requirements of ARS §49-391, notice is hereby given that the City of Phoenix (City) proposes to enter into a Pretreatment Settlement Agreement (PSA) with [REDACTED]

This PSA settles the claims alleged in Notice to Show Cause proceeding held on September 19, 2024 for violations of PCC §28.

Under the terms of the proposed PSA, [REDACTED] has agreed to a civil penalty of \$143,022.50 in full settlement of the alleged violations.

The City will receive for a period of 30 days from the date of this publication, comments related to the PSA. Comments should be addressed to: Dezarai Fisher, Assistant City Attorney, City of Phoenix Law Department, 200 W. Washington, 13th Floor, Phoenix, AZ 85003.

Telephone: 602-262-6761

The PSA may be examined at: Phoenix City Clerk, 200 W. Washington, 15th Floor, Phoenix, AZ 85003.

Telephone: 602-262-6811

The PSA is also posted on the Environmental Services Division website at <https://www.phoenix.gov/waterservices/envservices/indpretreatmentprog/enforcement>.

After the close of the 30 day public comment period, and review of all comments received, the City will execute the PSA or take whatever action it deems appropriate.

Pub: Dec 12, 2024

City of Phoenix

The PSA is advertised in the paper for public review and comment. It will state the company name, that they were in violation of their wastewater discharge permit, and the amount owed to the city.

Pretreatment Settlement Agreements are listed on the City of Phoenix Industrial Pretreatment Program website:

<https://www.phoenix.gov/administration/departments/waterservices/environmental-excellence/industrial-pretreatment/compliance-academy/enforcement-settlement-agreements.html>

PRETREATMENT SETTLEMENT
AGREEMENT

City of Phoenix

- May require a civil penalty payment
- Requires compliance with pretreatment standards and requirements under Phoenix City Code
- Used to place an IU on an enforceable compliance schedule so they will comply with standards
 - Submit plans for a pretreatment system
 - Install pretreatment system
 - Operate and maintain facilities

ADMINISTRATIVE ORDER (AO)



City of Phoenix

- May be issued within a Pretreatment Settlement Agreement
- The City Attorney's Office generally prepares AOs

- Significant noncompliance (SNC) applies to Significant Industrial Users (SIUs) and in rare occasions Industrial Users (IUs)
 - Class A and rarely Class B and C Permits
- EPA has established three levels of compliance:
 - Compliant
 - Inconsistently compliant
 - Significantly noncompliant (SNC)
- SNC is a compliance status not an enforcement action

SIGNIFICANT NONCOMPLIANCE

City of Phoenix

From 40 CFR 403.8 (f)(2)(viii):

For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

DEFINITION OF SIGNIFICANT NONCOMPLIANCE

City of Phoenix

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken during a six month period exceeded (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter. (Combine City and SIU sampling data)

For any parameter: **if 66% or more of all measurements are violations = SNC**

CHRONIC SIGNIFICANT NONCOMPLIANCE CRITERIA

City of Phoenix

Remember that all measurements include a combination of City sample results and those results from Self Monitoring.

B. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceeded the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH). (City and SIU sampling data are combined)

If 33% or more of all measurements of a parameter are over the TRC limit = SNC

TECHNICAL REVIEW SIGNIFICANT NONCOMPLIANCE CRITERIA

City of Phoenix

For metals:

Permit limit of 1.7×1.2 TRC factor = 2.0 TRC Limit

For Total Petroleum Hydrocarbons (TPH) or total oil and grease:

Permit limit of 100×1.4 TRC factor = 140 TRC Limit

C. Failure to provide within 45 days of the due date, required reports such as baseline monitoring reports, 90-day compliance reports, and reports regarding compliance with compliance schedules.

Any required report more than 45 days late = SNC



REPORTING SIGNIFICANT NONCOMPLIANCE CRITERIA

City of Phoenix

This includes Self-Monitoring Reports (SMRs) and associated lab reports!

- D. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the director has determined has caused, alone or in combination with other dischargers, interference or pass through (including endangering the health of the POTW personnel or the general public).
- E. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;

SIGNIFICANT NONCOMPLIANCE CRITERIA

City of Phoenix

F. Failure to meet within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or an enforcement order for starting construction, completing construction, or attaining final compliance.

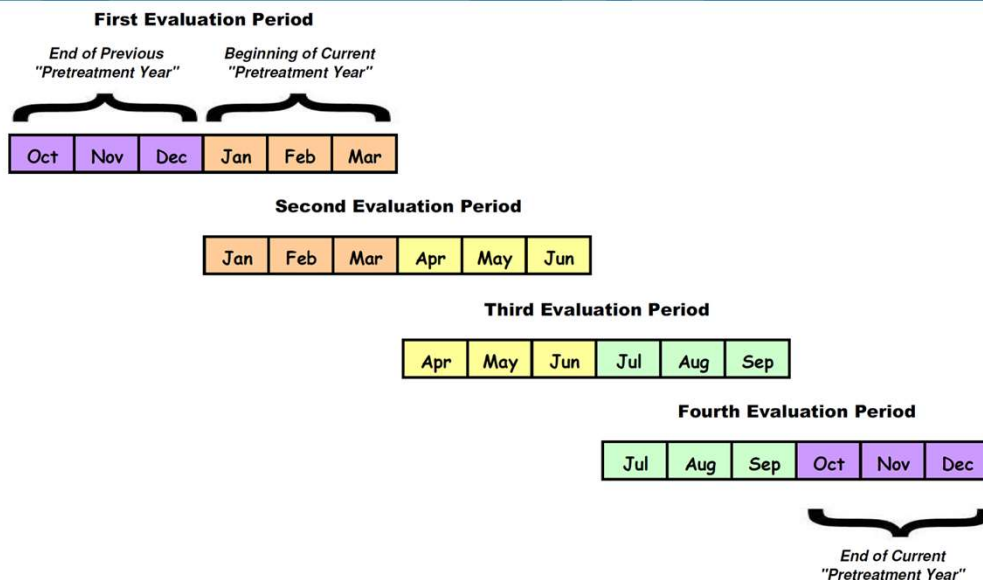
G. Failure to accurately report noncompliance.

H. Any other violation or group of violations which the director determines will adversely affect the operation or implementation of the local pretreatment program.

SIGNIFICANT NONCOMPLIANCE CRITERIA

City of Phoenix

CHRONIC AND TECHNICAL REVIEW SIGNIFICANT NONCOMPLIANCE CRITERIA



1. The POTW (in conjunction with its Approval Authority) must establish its "Pretreatment Year."
2. At the end of each quarter, POTWs and States should determine IU compliance status for the two criteria which are evaluated on a "rolling quarters." Rolling quarters are a six month time-frame for the A and B criteria detailed in 40CFR 403.8 (f)(2)(vii)(A) and (B) as illustrated above. The example assumes a "Pretreatment Year" equal to the calendar year.
3. At the end of the first quarter (March 30th in this example), the POTW must evaluate the data from and Industrial User for the previous six months (e.g., beginning with October 1 of the previous "Pretreatment Year" as in our example). Likewise, the POTW must evaluate six months of data at the end of each subsequent quarter (e.g., June 30th, September 30th, and December 31st.)
4. At the end of the "Pretreatment Year," the POTW must summarize the compliance status of its Industrial Users over the reporting period and report on the compliance status to the Approval Authority. The POTW must publish all IUs which were identified in SNC during the "Pretreatment Year," unless the IU was previously published for violations which occurred solely in the last quarter of the previous "Pretreatment Year."

Industrial Users in Significant Noncompliance with Applicable Pretreatment Requirements in 2024						
<p>The Cities of Glendale, Mesa, Phoenix, Scottsdale, and Tempe, and the Town of Gilbert, Arizona are responsible for implementing and operating industrial wastewater control (pretreatment) programs in each of their communities. Each program is designed to protect the Publicly Owned Treatment Works plants (POTW), the safety of personnel operating the wastewater collection system, and the environment from adverse impacts that could occur when toxic wastes are discharged into a wastewater collection system. Each municipality issues wastewater discharge permits to Significant Industrial Users (SIUs) in their communities and the Users are responsible for ensuring that they comply with respective local ordinances and federal regulations.</p> <p>In accordance with the Federal Clean Water Act and the public participation requirements of 40 CFR Part 25 in the enforcement of the National Pretreatment Standards as defined by 40 CFR 403.95(2)(vi), the City of Phoenix, Arizona is hereby publishing the following list of Users in Significant Noncompliance (SNC) with applicable pretreatment requirements. This notice covers the period from January 1, 2024 through December 31, 2024.</p> <p>Users, and Industrial Users in cases occurring under C, D and H, are in a state of SNC when violations meet one or more of the following:</p> <p>A. Chronic SNC (SNC) violations of wastewater discharge limits defined here as those in which sixty-six percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.</p> <p>B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).</p> <p>C. Any other violation of a pretreatment effluent limit (daily maximum or long term average) that the POTW determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public).</p> <p>D. Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such discharge.</p> <p>E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.</p> <p>F. Failure to provide within 45 days after the due date the required report such as a Baseline Monitoring Report, a 90-day compliance report, periodic self-monitoring reports, and reports on compliance with compliance schedules.</p> <p>G. Failure to accurately report noncompliance; or</p> <p>H. Any other violation or group of violations, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.</p> <p>Public participation and cooperation are important to a successful industrial pretreatment program. If you have comments or witness a situation that you believe may involve an illegal discharge of pollutants or hazardous material into a municipality's sewer system, please immediately notify the appropriate municipality: Gilbert (480) 503-5411, Glendale (623) 930-4758, Mesa (480) 644-2151, Phoenix (602) 495-5925, Scottsdale (480) 391-5687, or Tempe (480) 356-2678.</p>						
Industrial User	Nature of Violation/Type of Pollutant	Date Of Last Non-Compliance	Has User Returned to Compliant Status as of 12/31/2024?	Number of Times Published	Nature of Enforcement Action(s)	Comments
Allied Tube & Conduit Corporation	1 st Eval Period Arsenic Daily Maximum TRC	01/25/2024	Yes	1	Notice of Violation Temporary Increase in Self-Monitoring SNC Notification Show Cause Proceeding Pretreatment Settlement Agreement	A Pretreatment Settlement Agreement imposing monetary penalties was executed and is currently in effect.
APEL Extrusions, Inc.	2 nd Evaluation Period Chromium Daily Maximum & Monthly Average TRC	03/14/2025	No	1	Notice of Violation Temporary Increase in Self-Monitoring SNC Notification	Escalated enforcement action is currently pending.
APS BioGroup, Inc.	Late Reporting - Late Sampling Results and Lab Report submitted 112 days late during 4 th Quarter	03/14/2025	No	4	Notice of Violation SNC Notification	Escalated enforcement action is currently pending.
Casavant Assembly & Processing, LLC	2 nd Evaluation Period Nickel Daily Maximum TRC	06/30/2024	Yes	2	Notice of Violation Temporary Increase in Self-Monitoring SNC Notification	Escalated enforcement action is currently pending.
Chromalloy Gas Turbine LLC dba Chromalloy Arizona	4 th Evaluation Period Copper & Nickel Monthly Average TRC	11/30/2024	Yes	3	Notice of Violation Temporary Increase in Self-Monitoring SNC Notification	Escalated enforcement action is currently pending.
Liquid Environmental Solutions of Arizona, LLC	4 th Evaluation Period Copper Monthly Average TRC	12/31/2024	Yes	5	Notice of Violation Temporary Increase in Self-Monitoring SNC Notification Show Cause Proceeding Monetary Penalty Pretreatment Settlement Agreement	A Pretreatment Settlement Agreement imposing monetary penalties was executed and is currently in effect. Additional escalated enforcement action is currently pending.
Metal Finishing Solutions, Inc.	2 nd Evaluation Period Zinc Monthly Average TRC	07/12/2024	Yes	3	Notice of Violation SNC Notification Administrative Order Compliance Schedule Monetary Penalty Cess & Desist Additional Sampling	A Pretreatment Settlement Agreement imposing monetary penalties was executed and is currently in effect. Additional escalated enforcement action is currently pending.
Mistras Arizona Inspection Services LLC	4 th Evaluation Period Chromium Monthly Average TRC	12/31/2024	Yes	1	Notice of Violation Temporary Increase in Self-Monitoring SNC Notification	Escalated enforcement action is currently pending.
VHS Acquisition Subsidiary Number 1, Inc. dba Abraxo Scottsdale Campus	Late Reporting - Late NW Response Reporting Violation submitted 80 days late during 3 rd Quarter & Late NW Response Letter submitted 140 days late during 4 th Quarter	03/14/2025	No	1	Notice of Violation SNC Notification	Escalated enforcement action is currently pending.
VHS of Phoenix, Inc. dba Abraxo Central Campus	Late Reporting - Late Temporary Increase in Self-Monitoring (TCM) Reporting Violation submitted 90 days late during 3 rd Quarter	03/14/2025	No	3	Notice of Violation SNC Notification	Escalated enforcement action is currently pending.
Wacem Quartz Corp.	2 nd Eval Period Fluoride Monthly Average TRC	06/31/2024	Yes	1	Notice of Violation Temporary Increase in Self-Monitoring SNC Notification	Escalated enforcement action is currently pending.

¹The Cities of Glendale, Mesa, Phoenix, Scottsdale, and Tempe, and the Town of Gilbert, Arizona maintain an agreement through the Sub-Regional Operating Group (SROG) to jointly own and operate the 91st Avenue Wastewater Treatment Plant (WWTP) and its interceptor systems. Each municipality will publish their own list of Users in SNC beginning with the 2023 annual publication.

This example of an published SNC statement covers 2024 and was published in the 1st quarter of 2025 (The Arizona Republic). Within the statement, reasons for the SNC are documented and cover the entire past calendar year. There is no cost to the Industrial User for this publication. The Industrial User is also reported in the City of Phoenix Industrial Pretreatment Annual Report.

Information the publication includes:

- The name and address of the company
- Nature of the violation
- Date of last non compliance
- Current compliance status
- Number of times the company has been published
- Nature of the enforcement action
- Minor comments about the situation (i.e. A Pretreatment Settlement Agreement imposing monetary penalties was executed and is currently in effect. Additional escalated enforcement action is currently pending.)



POTENTIAL CONSEQUENCES

City of Phoenix

EPA Reaches Settlement with a Montague, Mass. Food Manufacturing Company for Clean Water Act Pretreatment Violations

BOSTON MA (12/20/2021) – The U.S. Environmental Protection Agency (EPA) has reached a settlement with Greenleaf Foods, SPC (also known as Lightlife Foods) to address alleged violations of the Clean Water Act pretreatment regulations by its soy-based food production facility in Montague, Massachusetts. Clean Water Act pretreatment regulations require industries to ensure that wastewater discharges into a municipal sewer system do not damage the collection system or inhibit/bypass treatment at the municipal wastewater treatment facility.

FEDERAL
ENFORCEMENT CASE

City of Phoenix

As a result of EPA's settlement, Lightlife Foods has installed a wastewater pretreatment system that is now achieving compliance with the pretreatment regulations and has agreed to pay a \$252,000 penalty to resolve claims that the company discharged low-pH wastewaters into the Town of Montague's sewer collection system.



THE UNITED STATES ATTORNEY'S OFFICE
WESTERN DISTRICT *of* WASHINGTON

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Department of Justice

U.S. Attorney's Office

Western District of Washington

FOR IMMEDIATE RELEASE

Thursday, January 27, 2022

Plant Manager of Seattle barrel reconditioning company pleads guilty to conspiracy and lying to investigators

Ten-year scheme to conceal illegal dumping of caustic solution into sewer system

Seattle – The plant manager of Seattle Barrel and Cooperage Company, a barrel cleaning and reconditioning operation, pleaded guilty today in U.S. District Court in Seattle to conspiracy and making a false statement to the Environmental Protection Agency, announced U.S. Attorney Nick Brown. John Sanft, 51, formerly of Issaquah, Washington, was the company's plant manager during a conspiracy to illegally dump caustic waste into the King County sewer system, which ultimately empties into Puget Sound. The company used a hidden drain, and, over ten years, lied to regulators to carry out their illegal dumping. Last month, the company and its owner, Louie Sanft, were found guilty by a jury of participating in the dumping scheme. John Sanft will be sentenced by U.S. District Judge Richard A. Jones on April 22, 2022.

Seattle Barrel's business involves collecting used industrial and commercial drums and reconditioning and reselling them. Between 2009 and March of 2019, part of the reconditioning process involved washing the barrels in a highly-corrosive chemical solution. The caustic solution had a very high pH level. Since at least 2009, Seattle Barrel operated under a discharge permit that prohibits it from dumping effluent with a pH exceeding 12 to the sewer system. Effluent above pH 12 will corrode the sewer system and treatment plant, and potentially cause pass-through pollution to Elliott Bay and Puget Sound.

In 2013, King County conducted covert monitoring of Seattle Barrel, and discovered the company was illegally dumping effluent with a pH above 12 in violation of its permit. King County fined the company \$55,250, but later agreed to reduce the fine when Seattle Barrel installed a pretreatment system for its wastewater.

However, in 2018 and 2019, additional covert monitoring by the EPA inspectors revealed that Seattle Barrel was continuing to routinely dump wastewater with a pH above 12 into the sewer system despite telling local regulators that no industrial wastewater was being discharged. Agents then installed real-time monitoring equipment that allowed them to determine when the dumping was taking place and obtained a search warrant.

Early on the morning of March 8, 2019, the covert monitors indicated Seattle Barrel was dumping high-pH material into the sewer. Agents immediately executed the warrant and entered the building. Inside, they

discovered a portable pump on the floor near the tank of caustic solution. They then discovered that the pump was being used to pump the caustic solution to a nearby hidden drain that had never been disclosed to King County. The drain led directly to the sewer system. According to the company, since mid-2019, following the criminal conduct in this case, it no longer uses the caustic solution for barrel cleaning.

As noted in the plea agreement, John Sanft knew of the existence of the hidden drain, and further knew that Seattle Barrel was regularly discharging the contents of the caustic tank through the hidden drain. John Sanft did not personally engage in the discharges or tell the employee to cause the discharges. However, Sanft admits he was part of the conspiracy to hide the conduct from the King County inspectors and the EPA. John Sanft admitted to lying to federal agents about the dumping during a March 8, 2019 interview. John Sanft faces up to five years in prison for each of the two charges to which he pled guilty.

"The defendant's intentional disregard for the environment included an attempt to deceive law enforcement and conceal other crimes" said Scot Adair, Special Agent in Charge of the EPA's criminal enforcement program in Washington. "EPA and the Department of Justice continue to hold accountable companies and individuals that place communities and the environment at risk."

In December 2021, John Sanft's cousin, Louie Sanft, the owner and operator of Seattle Barrel, was convicted following a three-week trial of: conspiracy; 29 violations of the Clean Water Act for discharging pollutants to the sewer; four counts of submission of False Clean Water Act Certifications; and making a false statement to special agents of the EPA. Louie Sanft faces up to 5 years in prison on the conspiracy and false statement counts, and up to three years in prison for each violation of the Clean Water Act.

Under the terms of the plea agreement with John Sanft, prosecutors will recommend he be sentenced to no more than a year and a day in prison. However, the ultimate sentence is up to U.S. District Judge Richard A. Jones. Judge Jones will determine the sentence for both John and Louie Sanft and the company, after considering the U.S. Sentencing Guidelines and other statutory factors.

The case was investigated by the Environmental Protection Agency Criminal Investigation Division (EPA-CID) with significant assistance from King County Industrial Waste.

The case is being prosecuted by Assistant United States Attorneys Seth Wilkinson and Jim Oesterle, and Special Assistant United States Attorneys Karla Perrin and Gwendolyn Russell, Regional Criminal Enforcement Counsel with the Environmental Protection Agency.

Brewery Fined for Wastewater Permit Violations

PRESS RELEASE

May 25, 2023

PRESS RELEASE

For Immediate Release – May 25, 2023

Contact:

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Brewery Fined for Wastewater Permit Violations

Montpelier, VT – The Agency of Natural Resources Department of Environmental Conservation (DEC) announced today that Four Quarters Brewing, LLC (Four Quarters), a brewery in Winooski, was fined \$5,035 for violating its Pretreatment Discharge Permit to discharge process wastewater to the City of Winooski Wastewater Treatment Facility.

Vermont's 92 municipal wastewater treatment facilities process more than 15 billion gallons of wastewater per year, treating wastewater to established standards before releasing it into the environment. Certain industrial and commercial activities require a pretreatment discharge permit to discharge wastewater to those municipal treatment facilities. The conditions of a pretreatment permit help minimize the potential that the industrial or commercial discharges will interfere with the operation of the treatment facility, resulting in the release of untreated wastewater to the environment. The discharge of untreated wastewater can pose a significant risk to the state's natural resources and to public health.

The conditions of Four Quarters' Pretreatment Discharge Permit require it to develop and implement a Slug Discharge Control and Waste Management Plan, to monitor wastewater discharges to the Wastewater Treatment Facility, and to submit monthly monitoring reports to the Agency. Despite repeated reminders from the Agency, Four Quarters did not timely submit the required Management Plan and monitoring reports. Four Quarters also failed to monitor discharges to the Wastewater Treatment Facility between September 2021 and June 2022, during which 33,000 gallons of unsampled wastewater was discharged.

<https://dec.vermont.gov/press-releases/brewery-fined-wastewater-permit-violations>

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5/1/23, 7:45 AM

Brewery Fined for Wastewater Permit Violations | Department of Environmental Conservation

"Compliance with pretreatment discharge permits is crucial for ensuring safe discharges from municipal wastewater treatment facilities to Vermont's surface waters," says John Beling, DEC Commissioner. "Without proper pretreatment, the discharges pose an unnecessary risk of contaminating our lakes, ponds, rivers, streams, and wetlands."

Four Quarters has since brought operations into compliance with its Pretreatment Discharge Permit and is in good standing with the DEC. It also agreed to pay a fine of \$5,035 for the violations. This agreement was incorporated into a Final Judicial Order of the Vermont Superior Court, Environmental Division on May 22, 2023.

Owner of Oil Chem Inc. Sentenced for Clean Water Act Violation

Detroit MI (5-14-2021) The president and owner of Oil Chem Inc. was sentenced today to 12 months in prison for violating the Clean Water Act stemming from illegal discharges of landfill leachate — totaling more than 47 million gallons — into the city of Flint sanitary sewer system over an eight and a half year period.

According to the plea agreement filed in federal court, Oil Chem's permit prohibited the discharge of landfill leachate waste. Massey signed and certified Oil Chem's 2008 permit application and did not disclose that his company had been and planned to continue to receive landfill leachate, which it discharged to the sewers untreated. Nor did Massey disclose to the city when Oil Chem started to discharge this new waste stream, which the permit also required. Massey directed employees of Oil Chem to begin discharging the leachate at the close of business each day, which allowed the waste to flow from a storage tank to the sanitary sewer overnight.

FEDERAL
ENFORCEMENT CASE

City of Phoenix

From January 2007 through October 2015, Massey arranged for Oil Chem to receive 47,824,293 gallons of landfill leachate from eight different landfills located in Michigan. One of the landfills was found to have polychlorinated biphenyls (PCBs) in its leachate. PCBs are known to be hazardous to human health and the environment.

****Make sure you are filling out your permit applications truthfully and to the best of your knowledge!**

- Education
- Communication



OTHER WAYS THE CITY ENCOURAGES COMPLIANCE

City of Phoenix

- 1) Compliance academy, work with inspector
- 2) Talk with your inspector
- 3) Reduce pollution



1. The City will respond to every violation with an NOV.

True

False

QUIZ

City of Phoenix

2. If your report is more than 45 days late you will:

- A. Get an NOV
- B. Be OK, if you are nice to your inspector
- C. Be published in the newspaper for SNC

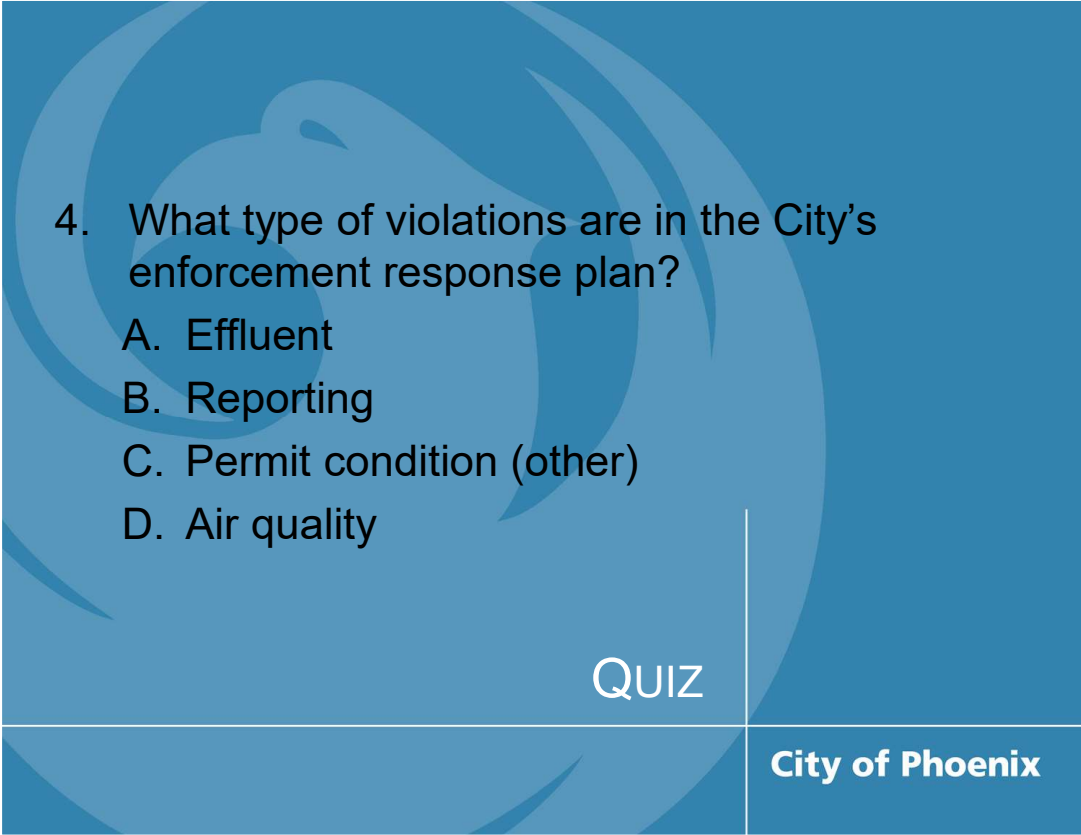
QUIZ

City of Phoenix

- 
3. If your report is 10 days late, you will:
- A. Get an NOV
 - B. Be in SNC
 - C. Be fined

QUIZ

City of Phoenix

- 
4. What type of violations are in the City's enforcement response plan?
- A. Effluent
 - B. Reporting
 - C. Permit condition (other)
 - D. Air quality

QUIZ

City of Phoenix

5. Your Permit limit for arsenic is 0.13 mg/L and you must sample monthly.

The compliance sample that you sent to your lab for arsenic analysis in June came back with a result of <0.20 mg/L. Would this be considered a valid result under the Permit limits?

Yes

No

QUIZ

City of Phoenix

6. A December SMR postmarked on January 31 is on time and no NOV will be issued.

True

False

QUIZ

City of Phoenix

7. Responses to NOVs should include:

- A. Participants in the investigation
- B. Summary of events
- C. Payroll records
- D. Conclusions reached
- E. Corrective actions taken or to be taken
- F. How this will prevent future violations.

QUIZ

City of Phoenix

8. Six (6) out of ten (10) measurements in a six (6) month period are violations. Does this meet the chronic criteria for SNC.

Yes

No

QUIZ

City of Phoenix

9. The purpose of a Show Cause Proceeding is to:
- A. Discuss circumstances of the violations.
 - B. Consider new information.
 - C. Encourage compliance.
 - D. Discuss corrective actions taken or to be taken.
 - E. Determine out-of-court settlement of civil penalties.
 - F. Foster animosity between regulator and permittee.
 - G. Resolve the enforcement action for the penalty period.

QUIZ

City of Phoenix

9. Which weighting factor is **not** used when calculating civil penalties?
- A. Violation significance (% over or under limit)
 - B. Health and environmental harm or potential harm (volume)
 - C. Number of violations (per month)
 - D. Compliance history (past 5 years)
 - E. Duration of noncompliance (penalty period)

QUIZ

City of Phoenix

**ANY
QUESTIONS**



City of Phoenix



City of Phoenix

Water Services Department
Environmental & Safety Division
www.phoenix.gov/ESD

602-262-1859 (Front Desk)
602-261-8000 (WSD After Hours Emergency Contact)