

**CITY OF PHOENIX
INDUSTRIAL PRETREATMENT
COMPLIANCE ACADEMY**



Enforcement

Enforcement Compliance Academy

MILTON SANCHEZ, ENVIRONMENTAL SERVICES SUPERVISOR
GITA KOTHARI, SENIOR WATER QUALITY INSPECTOR
CITY OF PHOENIX – WATER SERVICES DEPARTMENT



PHX WATER SMART



JULY 23, 2026

Mc Cluskey, Chelsey PCC 495-5926 chelsey.mccluskey@phoenix.gov
O'Day, Christie WSPP 495-5925 christie.o'day@phoenix.gov
Sanchez, Milton ESS (CWQI) 495-7412 milton.sanchez.@phoenix.gov
Smith, Kyle EQS 534-2085 kyle.smith@phoenix.gov

Kothari, Gita SWQI 534-2077 gita.kothari@phoenix.gov
Uribe, Elyse SWQI 534-2078 elyse.uribe@phoenix.gov
Agunbiade, Ayodele WQI 534-2082 ayodele.agunbiade@phoenix.gov
Bojorquez II, Daniel SWQI 534-2915 daniel.bojorquez@phoenix.gov
Swayne, Tyler SWQI 534-2905 tyler.swayne@phoenix.gov
Fornoff, Samantha SWQI 534-1362 samantha.fornoff@phoenix.gov
VACANT

- *WQI – Water Quality Inspector
- *SWQI – Senior Water Quality Inspector
- *WSPP – Water Services Projects Planner
- *PCC – Pretreatment Compliance Coordinator
- *ESS (CWQI) – Environmental Services Supervisor (Chief Water Quality Inspector)
- *EQS – Environmental Quality Specialist



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Webinar/Hybrid Rules

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



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- Please respect the other attendees and speakers by keeping yourself muted during the webinar presentation
- 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
- We may be recording the webinar for accessibility on our website – if you do not want your image (web camera) recorded, you can turn off that function
- Please access our booklet at the Compliance Academy website:
phoenix.gov/ippcompacademy
- If there are chlorine or fire alarms, we will direct you whether to group inside, outside in the triangle or exit the plant.
- Restrooms are past the break room down the hallway



Syllabus

- Acronyms & Definitions
- Types of Violations
- Enforcement Response Plan
- Possible Enforcement Actions
- Notice of Violation (NOV)
- NOV Response
- Break (10-15 min)
- Show Cause Proceeding
- Civil Penalty Policy
- Pretreatment Settlement Agreement
- Significant Noncompliance (SNC)
- Potential Consequences (Cases)
- Additional Compliance





Registration Information

Link for registration:
<https://www.phoenix.gov/IPPCompAcademy>

Next Class is:
Pollution Prevention
On September 25, 2026, at 9:00 a.m.

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Registration opens about a month prior to the course. Contact Chelsey Mc Cluskey at Chelsey.mccluskey@phoenix.gov for registration information.

Check out our new flyer on our website

Acronyms & Definitions

- POTW
- IU, SIU, NSCIU
- Class A/B/C Permit
- CFR
- ERP



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 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 CIU that never discharges more than 100 gallons per day of total categorical wastewater; never discharges 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 – Code of Federal Regulation Specifically, 40 CFR 136 to 149; 400 to 699, discusses in detail the requirements and regulations including 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 all Permittees (newly revised October 2020)

Acronyms & Definitions

- NOV
- TISM
- AO
- PSA
- SNC
- TRC



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.

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).



Violations

Types of violations an IU can be cited for:

- Effluent Limits
- Reporting
- Permit Conditions
- City Codes

NON-COMPLIANCE

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



Effluent Limit Violation

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

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.



Effluent Limit Violation

Daily Vs. Monthly Average:

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 shall be combined. This does not apply to the Daily Maximum measurements except upon review of Split Samples.

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2026 Updates

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. Measurements from self-monitoring and measurements from City of Phoenix monitoring shall only be combined to arithmetically determine compliance with Daily Maximum Limitations upon review of split sample results.

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. Measurements from self-monitoring and measurements from City of Phoenix monitoring shall be combined to arithmetically determine compliance with Monthly Average Discharge Limitations. Monthly Average Discharge Limitations are required under specific **Categorical Standards**."



Reporting Violation

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



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Additional example of a reporting violation:

- Quarterly sampling performed in December 2025 that is reported as a part of sampling period January 1, 2026 to January 31, 2026.

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.



Reporting Violation

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)



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Other examples of reporting violations are:

- The October 2025 SMR (with September 2025 results) is not received until November 15, 2025.
- Not submitting the results of Temporary Increase in Self-Monitoring samples within 5 days.
- 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.



Permit Conditions Violation

The failure to perform Sampling, Monitoring, Reporting, or other requirements of:

- a Wastewater Discharge Permit
- Permit Standard Conditions
- a Temporary Discharge Permit
- an Inspection
- an Administrative Order



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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



Permit Conditions Violation

Additional Violations:

- 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



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SAMPLING

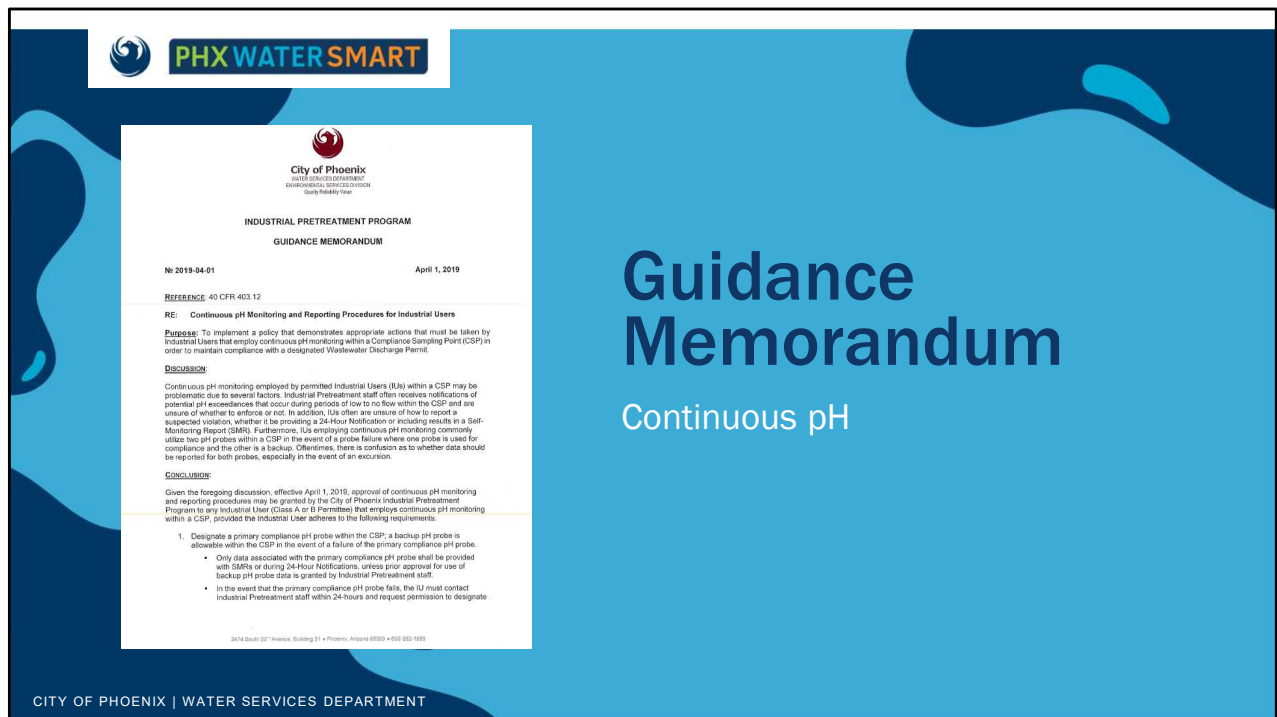
- Failure to sample
- Missed Sample
- **Failure to use proper:**
 - Sample Location (not taken from Compliance Sampling Point)
 - Sample Collection Method
 - Analytical Method
 - Sample Preservation Method

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. The Guidance Memorandum here is for facilities on continuous pH monitoring only. For these facilities;

- Send designated pH probe data and only send backup probe data if the compliance/enforcement inspector indicates that it is necessary.
- If a pH probe fails, once you are aware, request permission to use the backup pH probe data w/in 24 hours
- When providing potential violation data, include pH readings for 15 minutes before and after the suspected violation.



Nr 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.

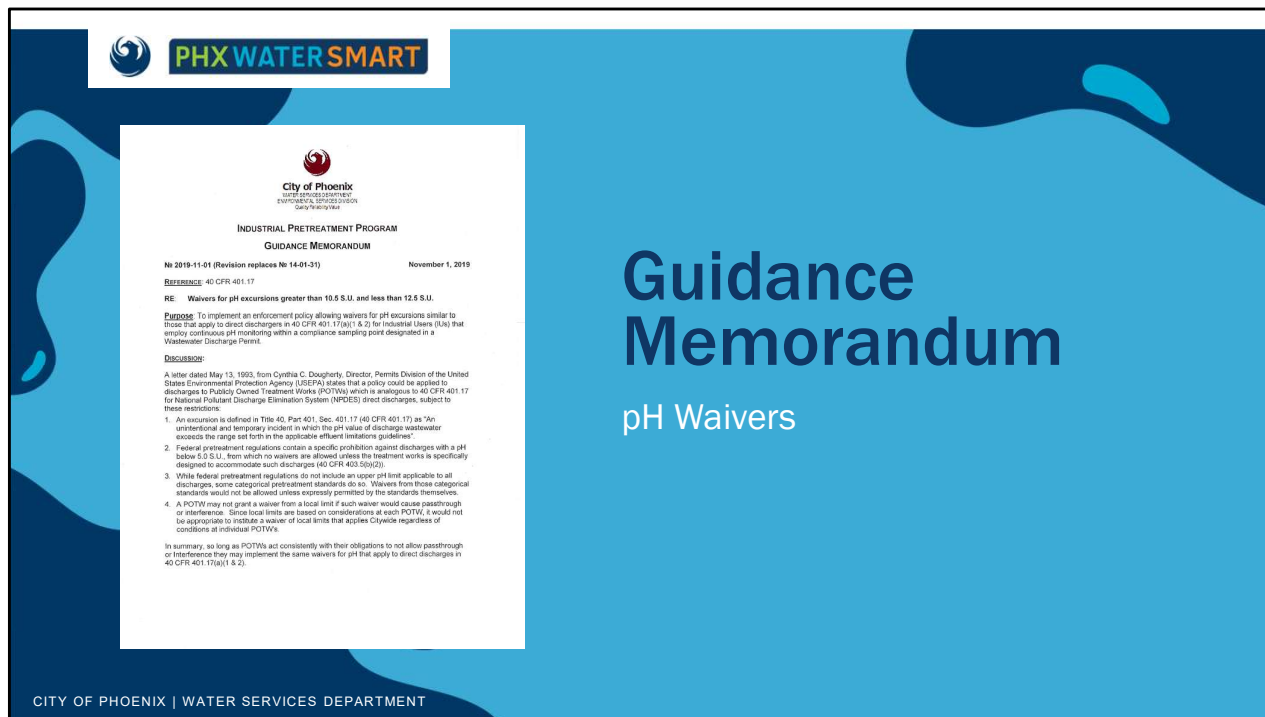
Approved: Jennifer Calles Date: 3/13/2019
Jennifer Calles, Deputy Water Services Director

Guidance Memorandum

Continuous pH

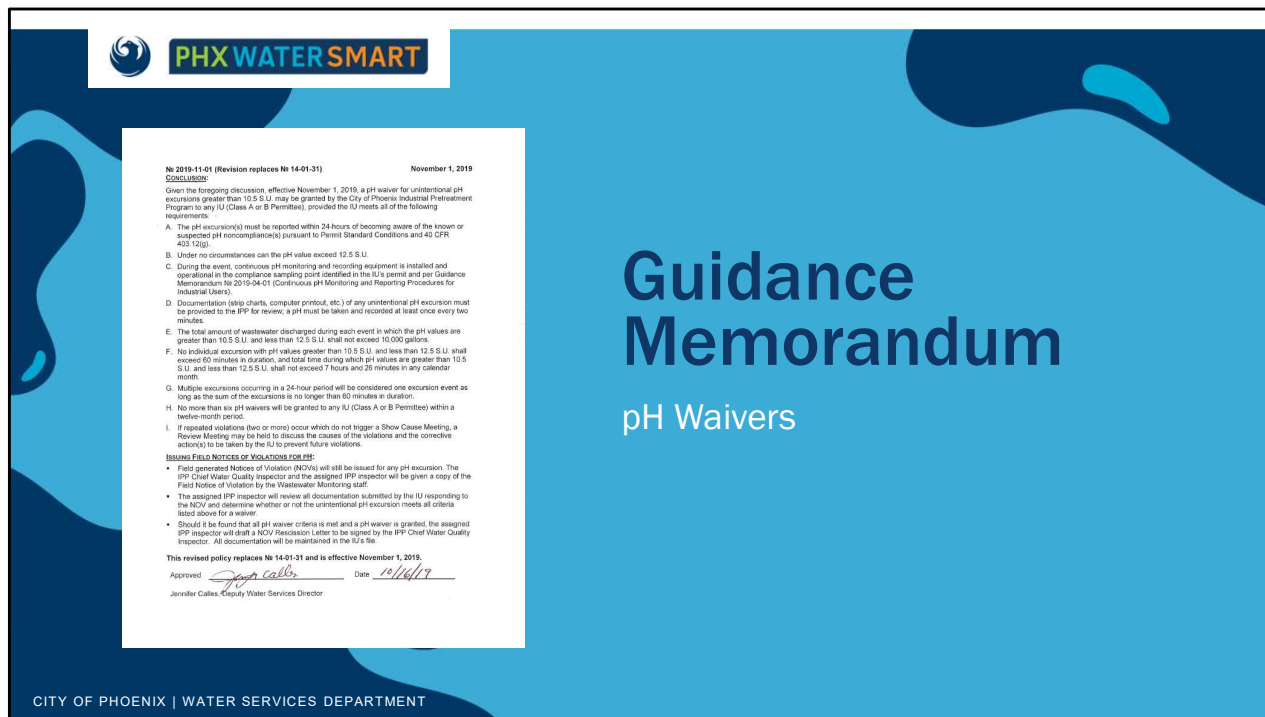
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- Provide information on the pH probes placement and height relative to Compliance Sample Point
- Determine the low flow conditions (for both pH and flow meter)
- When including information with SMRs for pH values that occurred during periods of low flow (where the data is considered invalid), please denote in the SMR that those values occurred during low flow conditions
- 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.

- 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)





City of Phoenix
WATER SERVICES DEPARTMENT
ENVIRONMENTAL SERVICES DIVISION
Quality Reliability Value

INDUSTRIAL PRETREATMENT PROGRAM

GUIDANCE MEMORANDUM

Nr 2020-06-01 June 1, 2020

REFERENCE: 40 CFR 403 – Appendix E (Sampling Procedures); Permit Standard Conditions

RE: Time Composite and Grab Composite Sampling Procedures for Industrial Users

PURPOSE: To implement a policy that demonstrates appropriate actions that will be taken by Industrial Users (IUs) and/or Wastewater Monitoring personnel during sampling events at a designated Compliance Sampling Point (CSP) in order to maintain compliance with a designated Wastewater Discharge Permit and ensure standard procedures for IUs and/or Wastewater Monitoring personnel.

DISCUSSION:

As stated in 40 CFR 403 – Appendix E: "It is recommended that influent and effluent operational data be obtained through 24-hour flow proportional composite samples. Sampling may be done manually or automatically, and discretely or continuously... Discrete sampling may be flow proportioned either by varying the time interval between each aliquot or the volume of each aliquot."

While 24-hour flow proportional composite sample collection is the preferred method to be conducted by permitted IUs and Wastewater Monitoring staff within a CSP, it may be problematic due to several factors. During periods of erratic or low flow, or batch discharges within a CSP, it can be difficult to obtain flow proportional composite samples. According to Permit Standard Conditions, a representative sample must be collected during monitoring events at the compliance sampling point(s). However, the Water Services Department Director or authorized representative (Director) may allow or conduct composite sampling by time-proportional techniques or composite or average one or more grab samples during a batch discharge when written permission is given specifying the alternate technique.

CONCLUSION:

Given the foregoing discussion, effective June 1, 2020, time composite samples or batch discharge grab sample composites may be allowed or collected by the City of Phoenix Industrial Pretreatment Program and/or Wastewater Monitoring for sampling within a designated CSP, provided the following requirements are met:

Guidance Memorandum

Time/Grab Composite Sampling

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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).



- 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. This documentation shall be included in the SMR for the month where sampling took place.



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.

Note: The ERP does not create any rights or obligations nor should it be used or relied upon by non-city personnel for any purpose. Phoenix reserves the right to act at variance with the ERP and to change it at any time without public notice.



Enforcement Response Plan (Updates)

- 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

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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.

Phoenix City Code Chapter 28 amendments continue at this time – Permit Standard Conditions will be updated to reflect these changes and any other clarifications. The ERP is also undergoing revisions with an expected update within the coming months.



- 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.
- 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.



Enforcement Actions (Formal)

- Courtesy phone call or e-mail (may be followed by an NOV)
- Show Cause Proceeding
- Pretreatment Settlement Agreement (PSA)
- Administrative Order (AO)
- Civil Penalties

FINED!

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- 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).
- 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.



Enforcement Actions (Extreme Cases)

- Courtesy phone call or e-mail (may be followed by an NOV)
- Suspend or revoke permit
- Termination of water and/or sewer service
- Civil lawsuit
- Criminal prosecution



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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.



Notice of Violation

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
WATER SERVICES DEPARTMENT
INDUSTRIAL SERVICES DIVISION
Daily Notice 10/24

December 2, 2023

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joe Sample
QA Manager
Imaginary Company
Street Address
Phoenix, Arizona 85000-XXXX

NOTICE OF VIOLATION

RE: Effluent Limits (Self-Monitoring)
Wastewater Discharge Permit No. 20000-XXXX
Phoenix City Code Section 20-44(A)
40 CFR 403.5 (b) Local Limit OR 40 CFR 403.5 (b) Specific
Pollutant Prohibition [DELETE #N/A] OR 40 CFR Specific
categorical mg (i.e. 433.17) [DELETE #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 No. 20000-XXXX ("Permit") at Compliance Sampling Point ("CSP") NE XXXXX, G5. The violation was reported by Imaginary Company on November 16, 2023, and the analytical results were received by Imaginary Company on November 16, 2023.

DATE	PARAMETER	DISCHARGE CONCENTRATION	DISCHARGE LIMITATION
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:

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

2474 South 22nd Avenue, Building 31 • Phoenix, Arizona 85004 • 602-250-1000

Note the requirements A – E, will discuss further on a separate slide.

Notice of Violation

CITY OF PHOENIX | WATER SERVICES DEPARTMENT

Mr. Joe Sample
December 2, 2023
Page 2

- 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 16 (602) XXX-XXXX, or e-mail at first.last@phoenix.gov. My office hours are from 7:00 a.m. to 5:30 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

If the violation is from an effluent discharge. A resample is required to make up for the violating sample.

Temporary Increase in Self-Monitoring (TISM)

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City of Phoenix
WATER SERVICES DEPARTMENT
INDUSTRIAL PRETREATMENT DIVISION
Quality Regulatory Office

December 2, 2023

ENCLOSURE TO NOV
DATED DECEMBER 2, 2023

Mr. Joe Sample
QA Manager
Imaginary Company
Street Address
Phoenix, Arizona 85000-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 # 2000-XXXX (Permit).

REQUIREMENTS

As a result of the violation(s), Imaginary Company is required to sample for Parameter at Compliance Sampling Point ("CSP") #1 XXXX-XX, once per day/week for four (4) consecutive days/weeks, beginning the week of December 13, 2023.

a. All samples must be collected as flow proportional composite / grab samples and analyzed both in accordance with Permit Standard Conditions Section B and D.

b. This sampling must be performed in addition to and apart from any sampling required by your Permit or other Notices of Violation ("NOV"). Separate samples must be collected on separate days using Permit required sampling methods in order to meet requirements of this NOV.

c. 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.

d. 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 33 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,

3474 South 22nd Avenue, Building 21 • Phoenix, Arizona 85009 • (602) 000-1000

Temporary Increase in Self-Monitoring (TISM) letter, which follows any effluent NOV.

Requires additional sampling to prove the IU discharge is back within compliance. This is in addition to required resamples mentioned in the NOV as well as normal required sampling schedules.

Samples are usually collected once for 4 consecutive weeks, unless it is pH then its 4 consecutive days. (IUs required to monitor pH continuously cannot conduct TISMs for pH). A demand inspection is conducted in lieu.



Resample/TISM Form

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ADDITIONAL SAMPLING SUMMARY AND CERTIFICATION

Company Name: Olivanders Services, LLC
Address: 1 South Dragon Alley
Phoenix, Arizona 85009
Compliance Sampling Point: TISM-01
Parameter(s) Sampled: Mercury
*Sample required for: (circle one) TISM Yes 1 2 3 4
Sample Result with Units: _____
Date / Time Samples Collected: _____
Flow / Volume (gallons per day): _____
Sample Type: _____
Preservative(s): _____
Name of Person Sampling: _____

I certify under penalty of law that the analyses included with this report was performed according to Environmental Protection Agency and the Arizona Department of Health Services approved methods, and that this document and any attachments were prepared under my direction or supervision in accordance with a system designed to ensure 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. All pit samples must be collected as instantaneous grab samples and must be analyzed within 15 minutes of collection; therefore, the date of pit sample collection will be treated as the date for sample results for reporting purposes.

REMARKS: TISM results are due within five days of becoming aware of the results. Original hard copy of the additional sampling form with wet signature for EACH TISM is due to more than 30 days from the date of sampling.

Additional Sampling Summary and Certification Form – Used for resamples, TISM sampling, and “missed” samples (failure to sample NOVs).

Responding to an NOV

- 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 NOV Responses must be submitted in hard copy form and have original signature of an Authorized Signatory



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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.



Responding to an NOV

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



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.



Responding to an NOV

Example:

Violation: Notareal Company discharged industrial wastewater that measured a pH of 4.0 S.U. for several hours on June 16, 2026



Responding to an NOV

Sufficient Response included:

- Notareal Company's maintenance manager, Mr. John Doe, trouble-shot for 3 hours on June 16, 2026, 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.



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- 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.



Responding to an NOV

Sufficient Response included:

- A new sensor was ordered on June 16, 2026, 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, 2026, and PMs will be completed weekly to ensure all parts are in working condition and no future violations occur.

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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.

Responding to an NOV

The NOV Response should be:

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



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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.

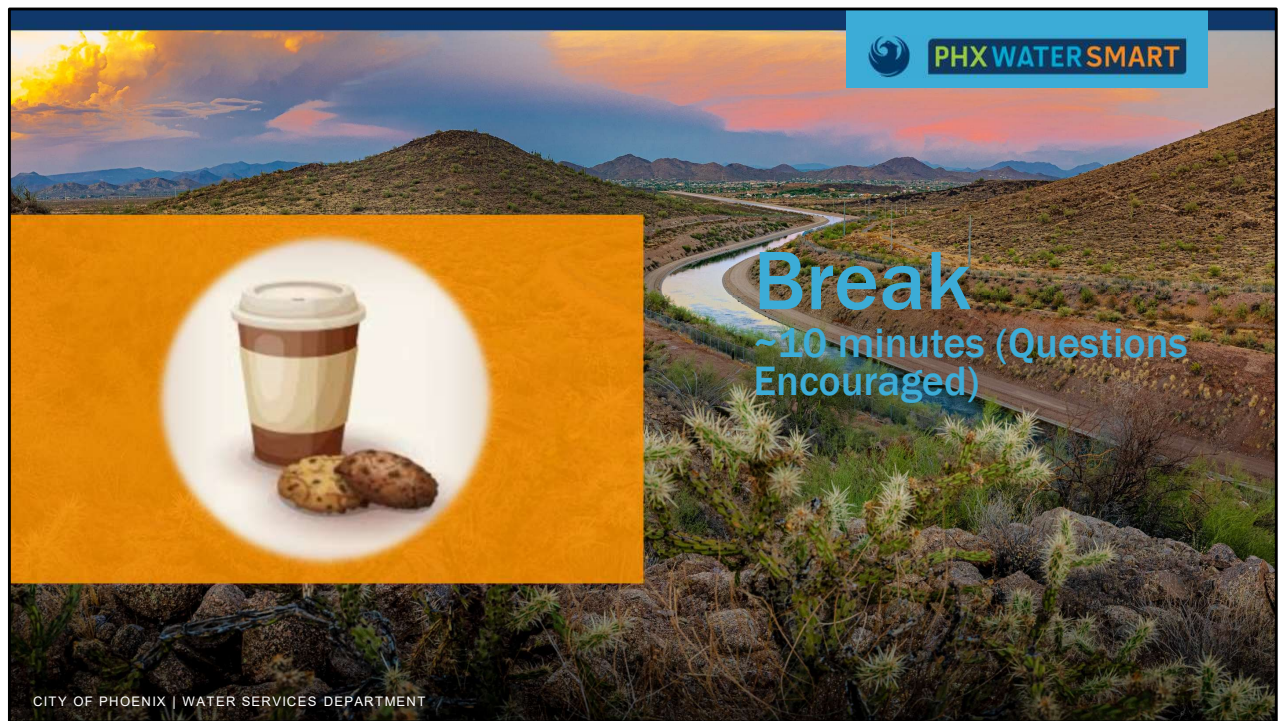
Contacting the inspector assigned to monitor your facility to ask questions **is not** a burden; it is encouraged that you inquire if there is something that is not clear.



PHX WATER SMART

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

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Questions encouraged



Show Cause Proceedings

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)

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These are the most common circumstances but there is a long list in the ERP with all circumstances. The current ERP allows Review Meetings in lieu of Show Cause Proceedings in some situations.

SNC will automatically trigger a Show Cause Proceeding.



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



Assistant City of Phoenix Attorney IV – Dezerai Fisher



PHX WATER SMART



June 15, 2022

Ms. First Last Name
Title
Legal Business Name
Street Address
Phoenix, Arizona XXXXX-XXXX

Certified Mail
Return Receipt Requested

NOTICE TO SHOW CAUSE

Legal Business 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 Central Authority under 40 CFR Part 403 and operating in accordance with Phoenix City Code Ch. 28 – hereby notifies the Industrial User that the City will use all appropriate remedies (including monetary penalties) to address the pretreatment violations.

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

Address: City of Phoenix 23rd Avenue WWTP
Environmental & Safety 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, 2022

(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, 2022

During the Show Cause Proceeding, the Industrial User will have the opportunity to respond to the City's allegations, present any mitigation, argue for any fee reductions, argue against any fee enhancements and to show cause why the City should not initiate legal action nor seek the maximum aggravated penalty allowed under Phoenix City Code Sections 28-62, 63. The City is not currently seeking the maximum penalty in this case. The City at this point is seeking \$333,333.33, the minimum fine as determined following the penalty calculations. See enclosure attached (list of violations and penalty

12176 South 22nd Avenue, Building 31 • Phoenix, Arizona 85009 • 602.202.4551

Ms. First Last Name
June 15, 2022
Page 2

calculations).

The Industrial User, during the time period of April 15, 2025 to August 1, 2026

- Discharged in violation of applicable limitations on at least five occasions.
- Submitted four reports various days late.
- Failed to sample for a parameter on one occasion.

REQUIREMENT

For the City to consider any written response to this Notice to Show Cause, the City's Environmental & Safety Division must receive that response from Industrial User by Friday, August 16, 2025. A copy of the City's Civil Penalty Policy relating such considerations is enclosed.

Industrial User must have persons knowledgeable about the alleged matters – and persons having financial decision-making authority – in attendance at the 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 if deemed necessary, based on the facts outlined in this Notice and its attachments.

If you have any questions regarding this Notice, please contact Kyle Smith at 602-534-2055 or kyle.smith@phoenix.gov. His office hours are 9:00 a.m. to 2:30 p.m., Monday through Friday.

Sincerely,

Christine Nufiez
Environmental Programs Manager

Enclosures: List of Violations
Penalty Calculations
NCV dated May 11, 2025 - Reporting
NCV dated April 28, 2025 - Copper
NCV dated June 7, 2026 - Copper
NCV dated June 7, 2026 - Silver x 2
NCV dated June 7, 2026 - Silver
Civil Penalty Policy

e-copy:
Dezara Fischer
Christine Nufiez
Chelsey McCheskey
Kyle Smith
Milton Sanchez

LIST OF VIOLATIONS

Regulated Under 40 CFR 403

Phoenix City Code Chapter 28 & Permit Number

CITY MONITORING VIOLATIONS

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

SELF MONITORING VIOLATIONS

Date	Parameter	Minutes of Excursion	Discharge Concentration	Discharge Limitation*
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

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

PERMIT CONDITIONS VIOLATIONS

Date	Violation
None	None

CITY CODE VIOLATIONS

Date	Violation
None	None

* I = Instantaneous Limit



Civil Penalty Policy

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



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

The Civil Penalty Policy has not been updated since 1998. Phoenix City Code (PCC) Chapter 28 “Sewers” has a required minimal penalty amount of \$1,000. As such, PCC takes priority over the Civil Penalty Policy and requires a minimum civil penalty amount of \$1,000 for any fines that are assessed prior to reductions (if applicable). Any violation less than \$1,000 will be rounded up to \$1,000 to comply with Chapter 28.



Civil Penalty Effluent Violation

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

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

Weighting factors are:

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



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.



Civil Penalty Reporting Violation

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

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- These calculations are based on each violation (each late report or notification)



Civil Penalty Policy

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

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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.



Pretreatment Settlement Agreement

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

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- 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.



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Pretreatment Settlement Agreement

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.

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**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 _____.

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, LES has agreed to a civil penalty of \$1,000 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: Dezorai Fisher, Assistant City Attorney City of Phoenix Law Department 200 W. Washington, 13th Floor Phoenix, AZ 85003 Telephone: 602-262-4761 The PSA may be examined at: Phoenix City Clerk 200 W. Washington, 15th Floor Phoenix, AZ 85003 Telephone: 602-262-4811 The PSA is also posted on the Environmental Services Division website at <https://www.phoenix.gov/waterservices/envservices/indpretreatmentprogen/forcomment>. 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

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.



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Pretreatment Settlement Agreement

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>

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Administrative Order (AO)

- 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



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



Significant Noncompliance



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 Definition

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:



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Significant Noncompliance Criteria

A. Chronic Criteria

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.

City and SIU sampling data are combined

If 66% or more of all measurements of a parameter are over the Chronic limit = SNC

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



Significant Noncompliance Criteria

B. Technical Review Criteria

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

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



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Significant Noncompliance Criteria

C. Reporting Criteria

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



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



Significant Noncompliance Criteria



D. Pretreatment Effluent Limits

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. Other Pollutants

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

F. Compliance Schedules

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. Noncompliance Reporting

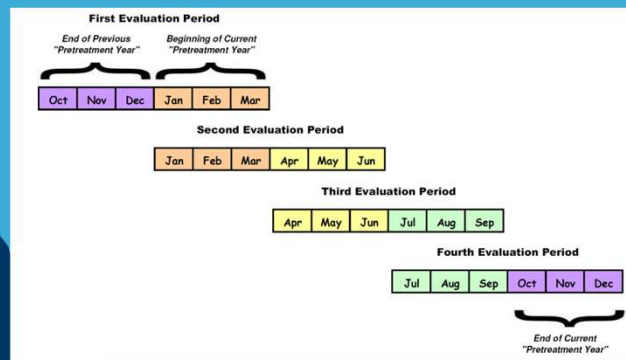
Failure to accurately report noncompliance

H. Adversely Effecting the Pretreatment Program

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



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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

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 (POTW), the ability of personnel operating the wastewater collection system, and the environment from adverse impacts that result when industrial wastewater is discharged into a wastewater collection system. Each municipality issues wastewater discharge permits to Significant Industrial Users (SIUs) in their communities and the SIUs are responsible for ensuring that they comply with respective local ordinances and federal regulations.

In accordance with the Federal Clean Water Act and the public participation requirements of 40 CFR Part 26, in the enforcement of the National Pretreatment Standards as defined by 40 CFR 403.102(b)(4), 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.

Users, and Industrial Users in cases occurring under C, D and E, are in a state of SNC when violations meet one or more of the following:

- Chronic SNC (SNC) violations of wastewater discharge limits defined here as those in which sixty percent or more of all of 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.
- 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, fecal coliform, and 1.2 for all other pollutants except pH).
- 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).
- Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW activation of its emergency, authority to hold or prevent such a discharge.
- Failure to meet, within 90 days after the schedule date, a compliance schedule violation contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- Failure to provide within 60 days after the due date the required report such as a Quarterly Monitoring Report, a 90-day compliance report, periodic self-monitoring reports, and reports on compliance with compliance schedule.
- Failure to accurately report noncompliance, or
- Any other violation or group of violations, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

Public participation and cooperation are important to a successful industrial pretreatment program. If you have comments or witness a violation 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) 305-6411, Glendale (623) 630-4754, Mesa (480) 644-7171, Phoenix (602) 896-3026, Scottsdale (480) 391-5667, or Tempe (480) 550-2678.

Industrial User	Nature of Violation/Type of Pollutant	Date of Last Non-Compliance	Has User Returned to Compliance Status as of 12/31/2024?	Number of Times Published	Nature of Enforcement Action(s)	Comments
Alford Tube & Conduit Corporation	2nd Periodic Review Daily Maximum TRC	01/25/2024	No	1	Notice of Violation Temporary Increase in Self-Monitoring SNC Notification Show Cause Proceeding/Pretreatment Enforcement Agreement	A Pretreatment Settlement Agreement imposing monetary penalties was executed and is currently in effect.
ARFL Extrusions, Inc.	2nd Evaluation Period Chromium Daily Maximum & Monthly Average TRC	02/14/2025	No	1	Notice of Violation Temporary Increase in Self-Monitoring SNC Notification	Escalated enforcement action is currently pending.
ARF Holdings, Inc.	Late Reporting - Late Sampling Results and Self-Report submitted 117 days late during 4th Quarter	09/14/2025	No	4	Notice of Violation SNC Notification	Escalated enforcement action is currently pending.
Cassman Assembly & Processing, LLC	2nd Evaluation Period Nickel Daily Maximum TRC	09/23/2024	No	2	Notice of Violation Temporary Increase in Self-Monitoring SNC Notification	Escalated enforcement action is currently pending.
Chemically Clean Surface Co. aka Chemically Arizona	4th Evaluation Period Copper & Nickel Monthly Average TRC	11/20/2024	No	3	Notice of Violation Temporary Increase in Self-Monitoring SNC Notification	Escalated enforcement action is currently pending.
Liquid Environmental Solutions of Arizona, LLC	4th Evaluation Period Copper Monthly Average TRC	12/31/2024	No	5	Notice of Violation Temporary Increase in Self-Monitoring SNC Notification Show Cause Proceeding Monetary Penalties Enforcement Settlement and 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.	2nd Evaluation Period Zinc Monthly Average TRC	01/12/2024	No	3	Notice of Violation SNC Notification Administrative Order Compliance Schedule Monetary Penalties Escalated Self-Reporting	A Pretreatment Settlement Agreement imposing monetary penalties was executed and is currently in effect. Additional escalated enforcement action is currently pending.
Mesa Arizona Inspection Services LLC	4th Evaluation Period Chromium Monthly Average TRC	12/31/2024	No	1	Notice of Violation Temporary Increase in Self-Monitoring SNC Notification	Escalated enforcement action is currently pending.
VRS Acquisition Subsidiary Number 1, Inc. aka Arizona Scottsdale Campus	Late Reporting - Late WQ Response Reporting Violation submitted 90 days late during 2nd Quarter & Late WQ Response Letter submitted 145 days late during 4th Quarter	02/14/2025	No	1	Notice of Violation SNC Notification	Escalated enforcement action is currently pending.
VIS of Phoenix, Inc. aka Arizona Central Campus	Late Reporting - Late Temporary Increase in Self-Monitoring (TSM) Reporting Violation submitted 90 days late during 3rd Quarter	02/14/2025	No	3	Notice of Violation SNC Notification	Escalated enforcement action is currently pending.
Wacoar Quartz Corp.	2nd Periodic Review Monthly Average TRC	08/21/2024	No	1	Notice of Violation Temporary Increase in Self-Monitoring SNC Notification	Escalated enforcement action is currently pending.

The 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 3rd Annual Wastewater Treatment Plant (WRTT) and its interceptors systems. Each municipality will publish their own list of Users in SNC beginning with the 2025 annual publication.

This example of a 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.)



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Potential Consequences



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Federal Enforcement Case

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.

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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.



Federal Enforcement Case

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

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.

But wait...there's more!



Federal Enforcement Case

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

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.

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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.

The plant manager admitted to lying to federal agents about the dumping during a March 8, 2019 interview and faces up to five years in prison for each of the two charges to which he pled guilty. In December 2021, 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. He 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.

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



Federal Enforcement Case

Brewery Fined for Wastewater Permit Violations

Montpelier, VT (05/25/2023) – 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.

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.

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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.

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.

*Note – While this fine may seem low, if you consider the amount of wastewater discharged, it is comparable to our Civil Penalty Policy calculations. However, the period of time for noncompliance (10 months) is substantial and could justify higher penalties.



Federal Enforcement Case

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

Detroit, MI (05/4/2021) – 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.

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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!**



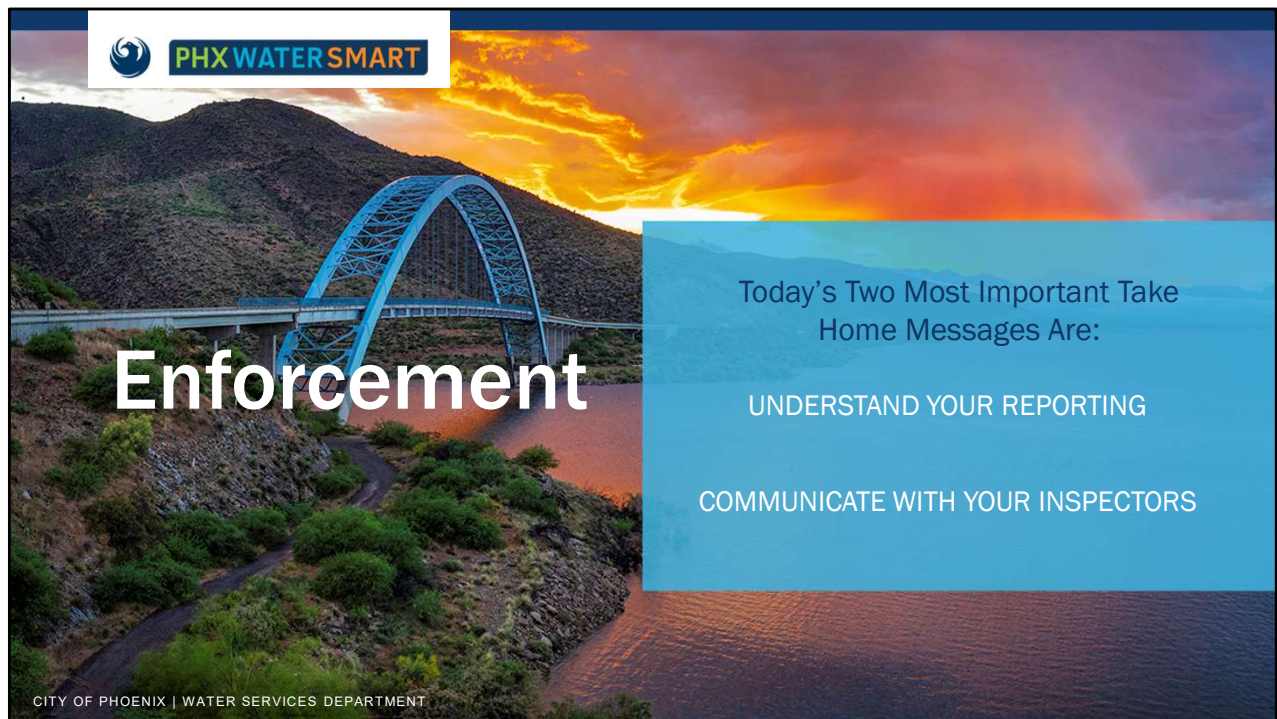
PHX WATER SMART

Other Ways the City Encourages Compliance



- 1) Compliance Academy
- 2) Communicate with your inspector
- 3) Reduce pollution

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The two most important take home messages today are:

1. Read your Permit: The main way you'll understand what your permit requires
2. Communicate with the inspector: we currently have 1-2 Permit writer inspectors, 2 scouts, 2-4 inspection inspectors and 2 compliance/enforcement inspectors. We strongly encourage communication between inspectors and permittees.

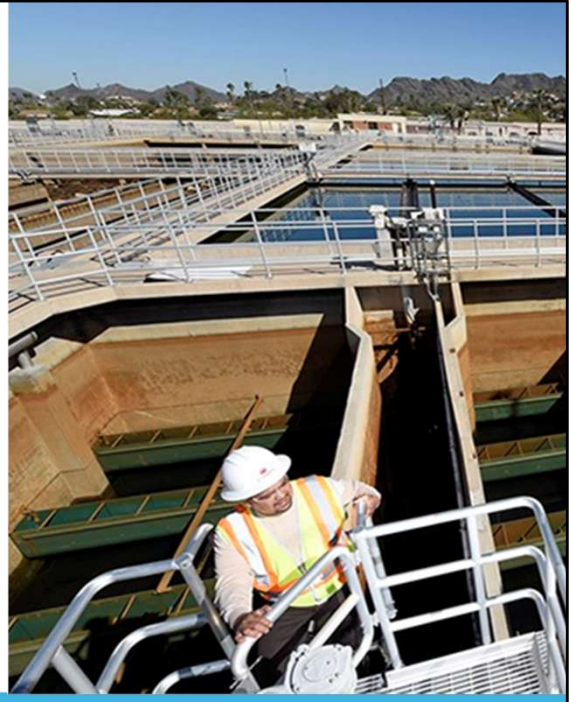


PHX WATER SMART

Quiz

1. The City will response to every violation by issuing an NOV.
 - a) Yes
 - b) No

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Quiz

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 a newspaper for Significant Noncompliance





Quiz

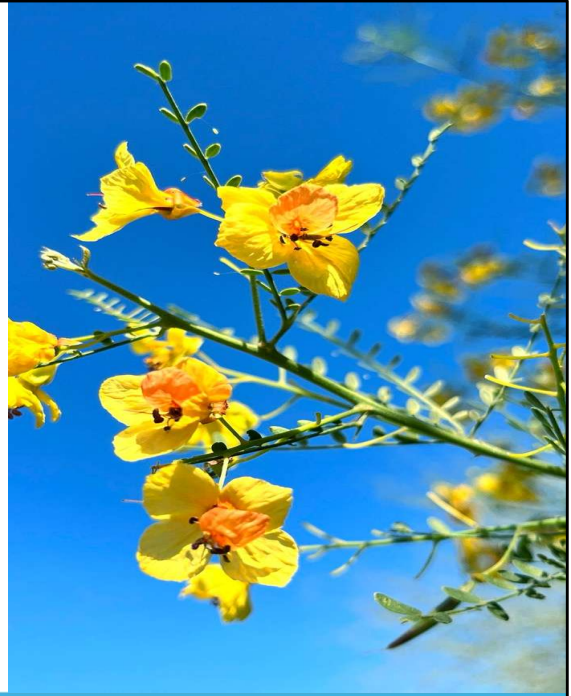
3. If your report is 10 days late, you will:
- a) Get an NOV
 - b) Be in Significant Noncompliance
 - c) Be fined





Quiz

4. What type of violations are in the City's Enforcement Response Plan?
- a) Effluent
 - b) Reporting
 - c) Permit Conditions (other)
 - d) Air Quality



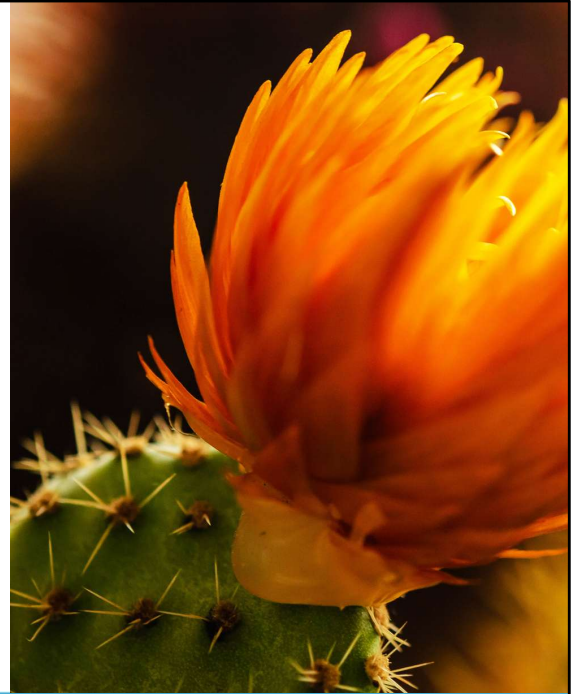


Quiz

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 analysis came back with a result of <0.2 mg/L. Would this be considered a valid result under the Permit limits?

- a) Yes
- b) No



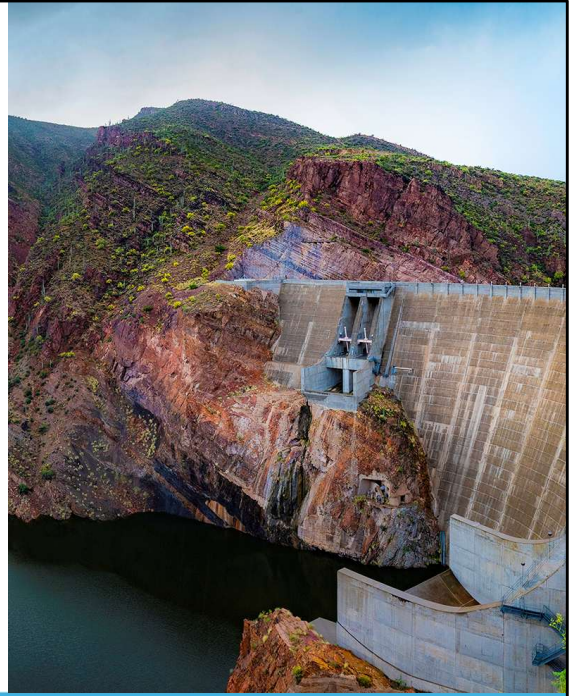


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Quiz

6. A December SMR postmarked on January 31st is on time and NOV will be issued.
- a) True
 - b) False

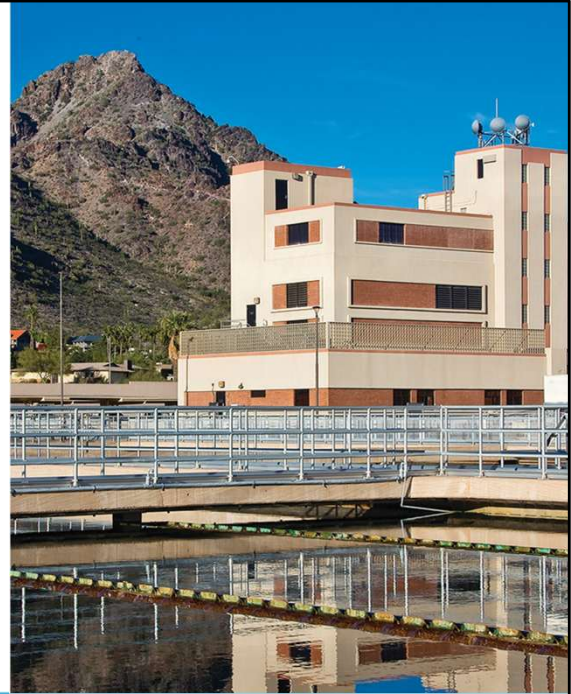
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Quiz

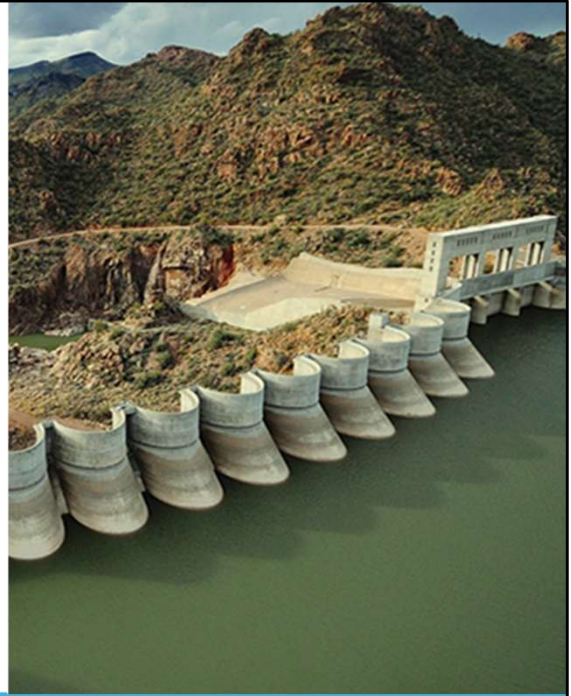
7. Responses to NOVs should include:
- a) Participants in the investigation
 - b) Summary of events
 - c) Payroll records
 - d) Conclusions reached
 - e) Corrective actions taken or to be taken
 - f) How this will prevent future violations





Quiz

8. Six out of ten measurements in a six-month period are violations. Does this meet the chronic criteria for SNC?
- a) Yes
 - b) No





Quiz

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 regulators and permittees.
- g) Resolved the enforcement action for the penalty period.





Quiz

10. Which weighting factor is not used when calculating civil penalties?

- a) Violation significance (% over or under the limit)
- b) Health and environmental harm or potential harm (volume)
- c) Number of violations (per month)
- d) Compliance history (past five years)
- e) Duration of noncompliance (penalty period)



Questions?
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You will receive certificates in the next week from Kyle Smith via email (or mail)

Hybrid format will continue (WebEx and in-person)

@PHXWATER [YouTube.com/User/CityofPhoenixAZ](https://www.youtube.com/user/CityofPhoenixAZ)

Feel free to stay after if you have any questions.



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Thank You For Joining Us!

- Please don't forget to fill out the evaluation survey (in chat and/or email)!
- Thank you for your participation!



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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)