NOTICE OF PROPOSED PRETREATMENT SETTLEMENT AGREEMENT

In accordance with the policy of the City of Phoenix contained in City Code Section 28-46(h), and the public participation requirements of Arizona Revised Statutes Section 49-391, notice is hereby given that the City of Phoenix proposes to enter into a Pretreatment Settlement Agreement (PSA) with Arizona Foods Group, Inc., 2517 East Chambers Street, Phoenix, AZ 85040. This PSA settles the claims alleged in a Notice to Show Cause proceeding held on November 4, 2014 for violations of Class A Wastewater Discharge Permit Nos. 1110-5325 and 1305-5325, and Chapter 28 of the Phoenix City Code.

Under the terms of the proposed PSA, Arizona Foods Group has agreed to pay a civil penalty of $6,800.00.

The City of Phoenix will receive for a period of thirty (30) days from the date of this publication, comments relative to the proposed PSA. Comments should be addressed to:

Stephen Wetherell, Assistant City Attorney
City of Phoenix Law Department
200 W. Washington, Suite 1300
Phoenix, AZ 85003
Telephone: 602-262-6761

The proposed PSA may be examined at the following City of Phoenix Office:

Phoenix City Clerk
200 W. Washington, 15th Floor
Phoenix, AZ 85003
Telephone: 602-262-6811

The proposed PSA is also posted on the Environmental Services Division website at https://www.phoenix.gov/waterservices/envservices/indpretreatmentprog/pretreatment-settlement-agreements.

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

PRETREATMENT SETTLEMENT AGREEMENT
(Arizona Foods Group, Inc.)

AGREEMENT NO._____

This Agreement is dated November 4, 2014 between the City of Phoenix (the "City"), a municipal corporation, and Arizona Foods Group, Inc. ("AFGI"), doing business at 2517 E Chambers Street, Phoenix, Arizona, 85040.

WHEREAS, pursuant to Arizona Revised Statutes, Sections 9-276 and 49-391, City of Phoenix Charter, Chapter II, Section 2 and Chapter IV, Sections 2(26) and 2(45), and Chapter 28 of the Phoenix City Code, the City has authority to build, repair and regulate sewer use and enforce the ordinances related thereto; and

WHEREAS, pursuant to Section 28-45(a) of the Phoenix City Code, the City requires each significant industrial user who releases industrial discharge into the sewer system to obtain a Class "A" Wastewater Discharge Permit from the Director of the Water Services Department; and

WHEREAS, AFGI is a significant industrial user that releases industrial discharge into the sewer system;

WHEREAS, AFGI previously operated under the name "Flavor Right Foods Group, Inc.";

WHEREAS, the Water Services Director issued Class "A" Wastewater Discharge Permits, Number 1110-5325 to Flavor Right Foods Group, Inc. and Number 1305-5325 to AFGI (hereinafter referred to as "Permit"); and

WHEREAS, the City issued to AFGI the following compliance and enforcement notices, all of which are attached hereto as Exhibit A and referred to collectively as the "Notices":

1) February 14, 2013 Notice of Violation for failing to comply with Permit conditions requiring the collection and analysis of composite samples for Biochemcial Oxygen Demand (BOD) and Total Suspended Solids (TSS) in the fourth quarter of 2012;

2) March 18, 2013 Notice of Violation for failing to comply with permit conditions requiring timely reporting (January Self Monitoring Report due on February 28, 2013, was received fifteen (15) days late);

3) March 19, 2013 Notice of Violation for failing to comply with permit conditions requiring timely reporting (Resampling and analysis for BOD and TSS was due on 3/10/2013 and was received five (5) days late);

4) March 20, 2013 Notice of Violation for failing to comply with the Permit condition requiring AFGI submit information requested by the City to determine whether cause exists for modifying, revoking, or terminating the Permit, or to determine compliance with the Permit; AFGI was required by the February 14, 2013 Notice of Violation to submit a written report to the City on or before March 3, 2013, regarding the its failure to collect and analyze composite samples for BOD and TSS in the fourth quarter of 2012 (AFGI's written report was received twelve (12) days late);

5) August 1, 2013 Notice of Violation for discharging in violation of the facility's instantaneous effluent Permit limit for pH of 5.0 to 10.5 S.U. (instantaneous discharge concentration of 11.5 S.U. on 8/1/13);

6) February 12, 2014 Notice of Violation for failing to comply with Permit conditions requiring the collection and analysis of composite samples for BOD and TSS in the fourth quarter of 2013;

7) February 27, 2014 Notice of Violation for discharging in violation of the facility's instantaneous effluent Permit limit for pH of 5.0 to 10.5 S.U. (instantaneous discharge concentration of 12.0 S.U. on 2/27/14);

8) April 15, 2014 Notice of Violation for discharging in violation of the facility's instantaneous effluent Permit limit for pH of 5.0 to 10.5 S.U. (instantaneous discharge concentration of 11.2 S.U. on 4/15/14);

9) October 1, 2014 Notice of Violation for failing to comply with permit conditions requiring timely reporting (August Self Monitoring Report due on or before September 28, 2014, was received one (1) day late);

10) October 22, 2014 Notice of Violation for failing to comply with the Permit condition requiring AFGI submit information requested by the City to determine whether cause exists for modifying, revoking, or terminating the Permit, or to determine compliance with the Permit; AFGI was required by the October 1, 2014 Notice of Violation to submit a written report to the City on or before October 13, 2014, regarding its failure to timely submit its August 2014 Self Monitoring Report (AFGI's written report was received four (4) days late); and

11) October 10, 2014 Notice to Show Cause, as amended, for violations that occurred during the time period of December 1, 2012 through October 31, 2014 as set forth in a portion of the above Notices;

WHEREAS, the City and AFGI met on November 4, 2014; and

WHEREAS, it is the desire of the City and AFGI to resolve all disputes between them arising out of the allegations of the Notices without litigation; and

WHEREAS, to that end, the City and AFGI have entered into this Agreement in order to resolve all disputes between them according to the terms, conditions and provisions hereof.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

In consideration of the mutual covenants contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. AFGI's Quality Assurance Manager and Maintenance Manager will each attend and complete the six (6) part City of Phoenix Industrial Pretreatment Program Compliance Academy series of courses within two (2) years of the date of this Agreement.

2. At the time of its signing of this Agreement, AFGI agrees to pay to the City a civil penalty in the amount of SIX THOUSAND AND EIGHT HUNDRED DOLLARS ($6,800.00). In addition to this amount, AFGI agrees to pay a public notice newspaper publication fee in an amount not to exceed One Thousand Dollars ($1,000.00), which will be paid within fifteen (15) days of a receipt of a billing statement sent by the City. Payments shall be made by check, payable to the City of Phoenix, and delivered to the City of Phoenix Law Department, 200 West Washington Street, 13th Floor, Phoenix, Arizona 85003, Attn: Alicia Bray.

3. AFGI shall develop and implement a system or process to ensure the timely submission of reports, responses and other forms of written communication to the City of Phoenix Industrial Pretreatment Program. AFGI shall memorialize the system or process in writing and shall identify the company personnel by titles or positions that have a role, either in a lead or back-up capacity, for ensuring timely submission of reports and responses to the City. The AFGI shall submit a copy of written system or process to the City on or before December 31, 2014 to the Environmental Services Division, City of Phoenix Water Services Department, 2474 S. 22nd Avenue, Phoenix, Arizona 85009, Attn: Stephanie Long.

4. Timely and complete performance of all elements contained in Paragraphs 1 through 3 constitutes complete satisfaction of all claims against, and all amounts owing by, AFGI and its affiliates, and their partners, stockholders, directors, officers, employees, agents, assigns or successors in interest, to the City arising as a result of or in connection with the events described in the Notice. The City hereby releases AFGI and its affiliates, and their partners, stockholders, directors, officers, employees, agents, assigns and successors in interest, from all claims, demands, penalties, liabilities and actions, arising as a result of or in connection with the events described in the Notice.

5. The money paid by AFGI to the City as required by this Agreement shall be used by the City in connection with its Water Services Department Industrial Pretreatment Program.

6. Both City and AFGI reserve any and all legal and equitable remedies available to enforce the provisions of this Agreement. The City acknowledges that AFGI has entered into this Agreement as an accord to and resolution of a dispute with City, and that this Agreement does not constitute an admission of culpability or liability by AFGI.

7. AFGI acknowledges that this Agreement is not and shall not be interpreted to be a permit issued under Chapter 28 of the Phoenix City Code.

8. The provisions of this Agreement shall be severable, and should any provision be declared by a court of competent jurisdiction to be unenforceable, the remaining provisions shall remain in full force and effect.

9. The persons executing this Agreement expressly represent and warrant that they are authorized to execute the same. Further, the parties expressly acknowledge that they, and each of them, have been, or had the opportunity to be represented by their respective attorneys in connection with the preparation and execution of this Agreement.

10. The parties agree that each of them shall undertake such further actions and execute such further documents, if any, which may be necessary or appropriate to implement this Agreement according to its terms.

11. This Agreement sets forth the complete and exclusive understanding between the parties relating to the subject matter hereof and supersedes all prior oral and written understandings, representations, proposals and communications.

12. No waiver, modification or amendment of any provision of this Agreement shall be binding upon either party unless agreed to in writing and executed by the parties.

13. This Agreement shall be governed by the laws of the State of Arizona.

14. Nothing in this Agreement shall create any private cause of action or other right or interest in favor of any person not a party to this Agreement.

15. In the event any party hereto finds it necessary to employ legal counsel to bring an action at law or other proceeding against any other party to enforce any of the terms, covenants or conditions hereof, the party prevailing in such action or proceeding shall be paid all reasonable attorneys' fees by the other party, unless otherwise determined by the court or by agreement of the parties, and in the event any judgment is secured by such prevailing party, all such attorneys' fees shall be included in any such judgment in such action or proceeding. The amount of reasonable attorneys' fees shall be determined by the court and not by a jury.

16. The parties acknowledge that this Agreement is subject to cancellation by the City pursuant to the provisions of A.R.S. Section 38-511.

17. **THIRTY DAY PUBLIC COMMENT PERIOD**

a. AFGI acknowledges that before this Agreement can become final the City must provide a thirty (30) day public comment period. At a minimum, a public notification will appear in the Arizona Republic newspaper and will, among other things, inform the public of the name and address of AFGI, the amount of penalty to be paid and the locations where this Agreement may be examined. This Agreement will also be posted on the Environmental Services Section Website. After the close of the thirty day (30) public comment period the City will execute this Agreement or take whatever action it deems appropriate based upon the public comments received.

b. A copy of the Affidavit of Newspaper Publication will be attached as Exhibit B to this Agreement.

*** the remainder of this page is intentionally left blank ****

The parties have caused this Agreement to be duly executed by their authorized representatives.

CITY OF PHOENIX
ED ZUERCHER
City Manager

By:_____

Title:_____

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

_____
Public Comment Start Date

ARIZONA FOODS GROUP, INC.

By:_____

Title:_____

_____
Public Comment End Date

SLW/ab:1154225v1

Exhibit A

City of Phoenix
WATER SERVICES DEPARTMENT
ENVIRONMENTAL SERVICES DIVISION

February 14, 2013

Ms. Janet Mullan
QA Manager
Arizona Foods Group
2517 East Chambers St
Phoenix, Arizona 85040

Certified Mail
Return Receipt Requested

#7011 1150 0002 1233 6

Notice of Violation

RE: Permit Conditions - Failure to Sample

A review and evaluation of Arizona Foods Group monthly Self-Monitoring Report (SMR) for December 2012 indicates that some of your analytical results were not included. Wastewater Discharge Permit № 1110-5325 requires that all analytical results from compliance sampling be included in the SMR for the parameters identified on page two of the Permit.

We have concluded that Arizona Foods Group failed to sample the following parameters as identified in the Permit and in the SMR that was received on January 28, 2013:

BOD
TSS

REQUIREMENTS

1. Arizona Foods Group is required to **immediately sample** for the parameters listed above using the proper sampling method(s). These samples must be analyzed by the proper laboratory methods and the analysis must be submitted **by March 10, 2013. This sampling is in addition to any sampling required by your Permit or other Notices of Violation.**

2. Arizona Foods Group must also submit a written report outlining the reason(s) for failure to meet this requirement and 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 actions taken or to be taken and dates, including completion dates.

   E. How this action, or actions, will prevent future violations from occurring.

Exhibit A

This written report must be submitted by March 3, 2013.

Failure to comply with the requirements of this letter will subject Arizona Foods Group to further enforcement actions(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 Environmental Services Division prior to the above due date.

If you have any questions, please contact me at phone № (602) 534-1362, or e-mail at **stephanie.long@phoenix.gov**. My office hours are from 7:00 a.m. to 5:30 p.m., Tuesday through Friday.

Sincerely,

Stephanie Long
Senior Water Quality Inspector

c: Marji Dukowitz

City of Phoenix
WATER SERVICES DEPARTMENT
ENVIRONMENTAL SERVICES DIVISION

7011 1150 0002 1233 0261

March 18, 2013

Ms. Janet Mullan
QA Manager
Arizona Foods Group, Inc
2517 East Chambers Street
Phoenix, Arizona 85040

Certified Mail
Return Receipt Requested

Notice of Violation

RE: Permit Condition – Reporting

Arizona Foods Group, Inc. is required to submit monthly Self Monitoring Reports (SMR) to the Environmental Services Division (ESD) as specified in Permit № 1010-5325. The January 2013-SMR submitted by Arizona Foods Group, Inc was due in our office by February 28, 2013 was received on March 15, 2013, 15 days late. Arizona Foods Group, Inc is therefore in violation.

Arizona Foods Group, Inc must submit a written report outlining the reason(s) for failure to meet this requirement and 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(s) occurred.

B. A summary of the events of the investigation, including dates and the amount of time expended on the investigation.

C. The conclusions reached.

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.

This written report must be submitted by March 28, 2013.

Failure to comply with the requirements of this letter will subject Arizona Foods Group, Inc to further enforcement actions(s). This Notice does not preclude the City from taking additional enforcement action(s) under Chapter 28 of the Phoenix City Code.

If you require additional time to complete the report, a written request for an extension must be submitted to the Environmental Services Division prior to the above due date.

Should you have any questions, please contact me at phone № (602) 534-1362, or e-mail at stephanie.long@phoenix.gov. My office hours are from 7:00 a.m. to 5:30 p.m., Tuesday through Friday.

Sincerely,

Stephanie Long
Senior Water Quality Inspector

c: Marji Dukowitz

City of Phoenix
WATER SERVICES DEPARTMENT
ENVIRONMENTAL SERVICES DIVISION

March 19, 2013

Ms. Janet Mullan
QA Manager
Arizona Foods Group
2517 East Chambers St
Phoenix, Arizona 85040

Certified Mail
Return Receipt Requested
#7010 1870 0001 5264 9

Notice of Violation

RE: Permit Condition – Reporting

Arizona Foods Group was required to immediately sample BOD and TSS using the proper sampling methods. These samples must be analyzed by the proper laboratory methods and the analysis was to be submitted by March 10, 2013 to the Environmental Services Division (ESD) as specified in the Notice of Violation dated February 14, 2013. The laboratory report for the analysis of the sample due in our office by March 10, 2013 was received on March 15, 2013, 5 days late. Arizona Foods Group is therefore in violation.

Arizona Foods Group must submit a written report outlining the reason(s) for failure to meet this requirement and 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(s) occurred.

B. A summary of the events of the investigation, including dates and the amount of time expended on the investigation.

C. The conclusions reached.

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.

This written report must be submitted by March 29, 2013

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

If you require additional time to complete the report, a written request for an extension must be submitted to the Environmental Services Division prior to the above due date.

Should you have any questions, please contact me at phone № (602) 534-1362, or e-mail at stephanie.long@phoenix.gov. My office hours are from 7:00 a.m. to 5:30 p.m., Tuesday through Friday.

Sincerely,

Stephanie Long
Senior Water Quality Inspector

c: Kris Ramon
Marji Dukowitz

City of Phoenix
WATER SERVICES DEPARTMENT
ENVIRONMENTAL SERVICES DIVISION

March 20, 2013

Ms. Janet Mullan
QA Manager
Arizona Foods Group
2517 East Chambers St
Phoenix, Arizona 85040

Certified Mail
Return Receipt Requested

#7010 1870 0001 5264 9

Notice of Violation

RE: Permit Condition – Reporting

Arizona Foods Group was required to submit a written report outlining the reason(s) for failure to sample for BOD and TSS as required by Permit No. 1110-5325 and the corrective action(s) taken to prevent future violations to the Environmental Services Division (ESD) as specified in the Notice of Violation dated February 14, 2013. The written report for Arizona Foods Group due in our office by March 3, 2013 was received on March 15, 2013, 12 days late. Arizona Foods Group is therefore in violation.

Arizona Foods Group must submit a written report outlining the reason(s) for failure to meet this requirement and 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(s) occurred.

B. A summary of the events of the investigation, including dates and the amount of time expended on the investigation.

C. The conclusions reached.

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.

This written report must be submitted by March 30, 2013

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

If you require additional time to complete the report, a written request for an extension must be submitted to the Environmental Services Division prior to the above due date.

Should you have any questions, please contact me at phone № (602) 534-1362, or e-mail at stephanie.long@phoenix.gov. My office hours are from 7:00 a.m. to 5:30 p.m., Tuesday through Friday.

Sincerely,

Stephanie Long
Senior Water Quality Inspector

c: Kris Ramon
Marji Dukowitz

City of Phoenix

WATER SERVICES DEPARTMENT
ENVIRONMENTAL SERVICES DIVISION

August 2, 2013

HAND DELIVERED:

Date: Aug 02, 2013
Received by: Janet Mullan
Printed Name
Signature: Janet Mullan
Signed Name

Mr. Rick Warf
Plant Manager
Arizona Foods Group, Inc.
2514 East Chambers Street
Phoenix, Arizona 85040

Dear Mr. Warf:

RE: TEMPORARY INCREASE IN SELF MONITORING (TISM) FOR pH

As you know, on August 1, 2013, Arizona Foods Group, Inc. was issued a Field Notice of Violation (NOV) for a pH violation which occurred during City monitoring with a result of 11.5 S.U.; the allowable pH limitation range is 5.0 - 10.5 S.U.

REQUIREMENTS

1. The NOV (copy enclosed) includes a requirement to **submit a written report addressing five (5) items by no later than August 11, 2013.**
2. Additionally, Arizona Foods Group, Inc. is required to **sample for pH once per week for four (4) consecutive weeks, to begin the week of August 4, 2013.**
   a. All samples must be collected as grab samples and are instantaneous samples.
   b. This sampling is separate from any sampling required under your Permit.
   c. The results of each sample must be received within five (5) days from when you have knowledge of the results, to include a twenty four (24) hour notification of any known or suspected violations, but in no event more than 30 days from the date of sampling.

Failure to comply with the requirements of this letter will subject Arizona Foods Group, Inc. 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 602-534-1362. My office hours are 7:00 a.m. to 5:30 p.m., Tuesday through Friday.

Sincerely,

Stephanie Long
Senior Water Quality Inspector

Enclosures
c: Marji Dukowitz

ADDITIONAL SAMPLING SUMMARY AND CERTIFICATION

Company Name: Arizona Foods Group, Inc.

Address: 2517 East Chambers Street

Phoenix, Arizona 85040

Compliance Sampling Point: 5325.02

Parameter(s) Sampled: pH

Sample required for: (circle one) 30 Day Resample or TISM # 1 2 3 4

Sample Result: _____

Date / Time Samples Collected: _____

Flow / Volume (gallons per day): _____

Sample Type: _____

Preservative(s): _____

Name of Person Sampling: _____

Date Data Received From Laboratory: _____

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.

I certify under penalty of law that the analysis for any parameters included with this report was performed at the facility immediately following sample collection, and in accordance with 40 CFR 136 Methods, 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 which 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.

City of Phoenix

WATER SERVICES DEPARTMENT
ENVIRONMENTAL SERVICES DIVISION

Notice of Violation of the Phoenix City Code, Chapter 28, Section 28-8(e)

AZ Foods Group, Inc — Name of Industry or Business
Food Processing — Type of Industry

2517 E. Chambers St. Phoenix, AZ 85040 — Street Address City, State, Zip
602-232-2570 — Phone №

1305-5325 — Wastewater Discharge Permit №
5325.02 — Site Code
3" Parshall — Site Description e.g., flume @ SW side of building

pH Limitation: 5.0 - 10.5 S.U.

Date of Violation:	pH Reading Initial:	S.U. 11.49	Time: 0940
8-1-13	pH Reading Confirmation*:	S.U. 11.46	Time: 0941

Record pH to tenths place.
* Original grab sample following ~~recalibration~~ Secondary Source

AZ Foods Group, Inc. (Name of Industry or Business) **is required to submit a written response to this Notice of Violation.**

Your written report must outline the reason(s) the pH violation occurred and the corrective action(s) taken to prevent future pH violations. At a minimum, your written report must address each of the following:

A. Names and positions of all people involved with the investigation into why the violation(s) occurred.
B. A summary of the events of the investigation, including dates and amount of time expended on the investigation.
C. The conclusions reached from the investigation.
D. The corrective action(s) taken or to be taken, including completion dates.
E. How these actions will prevent future pH violations from occurring.

You are required to submit this report by 8-11-13 (Insert Date (10 Calendar Days)), to your assigned inspector at the following address:

City of Phoenix
Environmental Services Division
2474 South 22nd Avenue
Phoenix, Arizona 85009

Phone: (602) 262-1859
FAX: (602) 534-7151

Failure to comply with the requirements of this Notice will subject your facility 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 Environmental Services Division prior to the original report due date.

Should you have any questions regarding this Notice, please contact your assigned inspector at (602) 262-1859.

Notice served to: Ryan Davis **Title:** Maintenance

Receipt Acknowledged: Ryan Davis (Print Name) **Signature:** [signature]

Inspector: Josh Blakey (Print Name) **Signature:** [signature]

White Copy to EO Yellow Copy to Assigned Inspector Pink Copy to File

148 120 Rev 5/12

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

February 12, 2014 Corrected October 2, 2014

Ms. Janet Mullan
QA Manager
Arizona Foods Group
2517 East Chambers St
Phoenix, Arizona 85040

Certified Mail
Return Receipt Requested
#7011 1150 0002 1233 3459

Notice of Violation

RE: Permit Conditions - Failure to Sample

A review and evaluation of Arizona Foods Group monthly Self-Monitoring Report (SMR) for December 2013 indicates that some of your analytical results were not included. Wastewater Discharge Permit № 1305-5325 requires that all analytical results from compliance sampling be included in the SMR for the parameters identified on page two of the Permit.

We have concluded that Arizona Foods Group failed to sample the following parameters as identified in the Permit and in the SMR that was received on January 28, 2014:

BOD
TSS

REQUIREMENTS

1. Arizona Foods Group is required to **immediately sample** for the parameters listed above using the proper sampling method(s). These samples must be analyzed by the proper laboratory methods and the analysis must be submitted **by March 10, 2013. This sampling is in addition to any other sampling required by your Permit or other Notices of Violation.**

2. Arizona Foods Group must also submit a written report outlining the reason(s) for failure to meet this requirement and 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 actions taken or to be taken and dates, including completion dates.

   E. How this action, or actions, will prevent future violations from occurring.

3. Submit a new Compliance Sampling Schedule for approval by ESD.

This written report must be submitted by February 28, 2014.

Failure to comply with the requirements of this letter will subject Arizona Foods Group to further enforcement actions(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 Environmental Services Division prior to the above due date.

If you have any questions, please contact me at phone № (602) 534-1362, or e-mail at **stephanie.long@phoenix.gov**. My office hours are from 7:00 a.m. to 5:30 p.m., Tuesday through Friday.

Sincerely,

Stephanie Long
Senior Water Quality Inspector

c: Marji Dukowitz

City of Phoenix
WATER SERVICES DEPARTMENT
ENVIRONMENTAL SERVICES DIVISION

October 2, 2014

Ms. Janet Mullan
QA Manager
Arizona Foods Group, Inc.
2517 East Chambers Street
Phoenix, Arizona 85040-3640

Certified Mail
Return Receipt Requested

7012 2920 0000 0581 02

Re: Amended Notice of Violation

Dear Ms. Mullan:

On February 12, 2014, the Environmental Services Division (ESD) issued a Notice of Violation (NOV) to Arizona Foods Group, Inc. (Arizona Foods) for Permit Condition-Failure to Sample for BOD and TSS.

The NOV issued on February 12, 2014 should have also included the following parameters to be immediately sampled and results were to be reported to ESD by March 10, 2014.

BOD
COD
TSS
Copper
Lead

Arizona Foods has met the requirement of the Notice of Violation issued on February 12, 2014 and no further action is required at this time. The letter serves as an amendment to the Notice of Violation issued on February 12, 2014.

Should you have any questions regarding this letter, please call Chief Water Quality Inspector, Marji Dukowitz at 602-495-5926. Her office hours are 7:00 a.m. to 4:30 p.m., Monday through Friday.

Sincerely,

Stephanie Long
Senior Water Quality Inspector

c: Marji Dukowitz

City of Phoenix

WATER SERVICES DEPARTMENT
ENVIRONMENTAL SERVICES DIVISION
Quality Reliability Value

March 4, 2014

HAND DELIVERED:

Date: 3/4/14

Received by: Janet Mullan
Printed Name

Signature:
Signed Name

Mr. Rick Warf
Plant Manager
Arizona Foods Group, Inc.
2514 East Chambers Street
Phoenix, Arizona 85040

Dear Mr. Warf:

RE: TEMPORARY INCREASE IN SELF MONITORING (TISM) FOR pH

As you know, on February 27, 2014, Arizona Foods Group, Inc. was issued a Field Notice of Violation (NOV) for a pH violation which occurred during City monitoring with a result of 12.0 S.U.; the allowable pH limitation range is 5.0 - 10.5 S.U.

REQUIREMENTS

1. The NOV (copy enclosed) includes a requirement to **submit a written report addressing five (5) items by no later than March 9, 2014.**

2. Additionally, Arizona Foods Group, Inc. is required to **sample for pH once per week for four (4) consecutive weeks, to begin the week of March 10, 2014.**

   a. All samples must be collected as grab samples and are instantaneous samples.
   b. This sampling is separate from any sampling required under your Permit.
   c. The results of each sample must be received within five (5) days from when you have knowledge of the results, to include a twenty four (24) hour notification of any known or suspected violations, but in no event more than 30 days from the date of sampling.

Failure to comply with the requirements of this letter will subject Arizona Foods Group, Inc. 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 602-534-1362. My office hours are 7:00 a.m. to 5:30 p.m., Tuesday through Friday.

Sincerely,

Stephanie Long
Senior Water Quality Inspector

Enclosures
c: Marji Dukowitz

ADDITIONAL SAMPLING SUMMARY AND CERTIFICATION

Company Name: Arizona Foods Group, Inc.

Address: 2517 East Chambers Street

Phoenix, Arizona 85040

Compliance Sampling Point: 5325.02

Parameter(s) Sampled: pH

Sample required for: (circle one) 30 Day Resample or TISM # 1 2 3 4

Sample Result: _____

Date / Time Samples Collected: _____

Flow / Volume (gallons per day): _____

Sample Type: _____

Preservative(s): _____

Name of Person Sampling: _____

Date Data Received From Laboratory: _____

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.

I certify under penalty of law that the analysis for any parameters included with this report was performed at the facility immediately following sample collection, and in accordance with 40 CFR 136 Methods, 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 which 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.

City of Phoenix

WATER SERVICES DEPARTMENT
ENVIRONMENTAL SERVICES DIVISION

Notice of Violation of the Phoenix City Code, Chapter 28, Section 28-8(e)

AZ Foods Group, Inc — Name of Industry or Business
Food Processing — Type of Industry
2517 E. Chambers St. Phx. AZ 85040 — Street Address City, State, Zip
(602) 232-25. — Phone No
1305-5325 — Wastewater Discharge Permit No
5325.02 — Site Code
3" Parshall — Site Description e.g., flume @ SW side of building
pH Limitation: 5.0 - 10.5 S.U.
OFF

Date of Violation: 2/27/2014	**pH Reading Initial:**	S.U. 12.1	**Time:** 1102
	pH Reading Confirmation*:	S.U. 12.0	**Time:** 1108

Record pH to tenths place.
*** Original grab sample following recalibration**

AZ Foods Group, Inc. — Name of Industry or Business **is required to submit a written response to this Notice of Violation**

ir written report must outline the reason(s) the pH violation occurred and the corrective action(s) taken to prevent futur violations. At a minimum, your written report must address each of the following:

A. Names and positions of all people involved with the investigation into wh the violation(s) occurred.
B. A summary of the events of the investigation, including dates and amou of time expended on the investigation.
C. The conclusions reached from the investigation.
D. The corrective action(s) taken or to be taken, including completion dates.
E. How these actions will prevent future pH violations from occurring.

You are required to submit this report by 3-7-2014 (insert Date (10 Calendar Days)), to your assigned inspector at the following address:

City of Phoenix
Environmental Services Division **Phone: (602) 262-1859**
2474 South 22nd Avenue **FAX: (602) 534-7151**
Phoenix, Arizona 85009

Failure to comply with the requirements of this Notice will subject your facility 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 submitte to the Environmental Services Division prior to the original report due date.

Should you have any questions regarding this Notice, please contact your assigned inspector at (602) 262-1859.

Notice served to: Janet Mullan **Title:** QA Manager

Receipt Acknowledged: [illegible] (Print Name) **Signature:** Janet Mullan

Inspector: Daniel F. Garcia (Print Name) **Signature:** Daniel F Garcia

White Copy to EU — Yellow Copy to Assigned Inspector — Pink Copy to File — 108 1/01 Rev. W

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

April 16, 2014

Mr. Rick Warf
Plant Manager
Arizona Foods Group
2517 East Chambers St
Phoenix, Arizona 85040

Certified Mail
Return Receipt Requested
7012 2920 0000 0586

Dear Mr. Warf:

RE: TEMPORARY INCREASE IN SELF MONITORING (TISM) FOR pH

As you know, on April 15, 2014, Arizona Foods Group, Inc. was issued a Field Notice of Violation (NOV) for a pH violation which occurred during City monitoring with a result of 11.2 S.U.; the allowable pH limitation range is 5.0 - 10.5 S.U.

REQUIREMENTS

1. The NOV (copy enclosed) includes a requirement to **submit a written report addressing five (5) items by no later than April 25, 2014.**
2. Additionally, Arizona Foods Group, Inc. is required to **sample for pH once per week for four (4) consecutive weeks, to begin the week of April 28, 2014.**
   a. All samples must be collected as grab samples and are instantaneous samples.
   b. This sampling is separate from any sampling required under your Permit.
   c. The results of each sample must be received within five (5) days from when you have knowledge of the results, to include a twenty four (24) hour notification of any known or suspected violations, but in no event more than 30 days from the date of sampling.

Failure to comply with the requirements of this letter will subject Arizona Foods Group, Inc. 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 602-534-1362. My office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday.

Sincerely,

Stephanie Long
Senior Water Quality Inspector

Enclosures
c: Marji Dukowitz

ADDITIONAL SAMPLING SUMMARY AND CERTIFICATION

Company Name: Arizona Foods Group, Inc.

Address: 2517 East Chambers Street

Phoenix, Arizona 85040

Compliance Sampling Point: 5325.02

Parameter(s) Sampled: pH

Sample required for: (circle one) 30 Day Resample or TISM # 1 2 3 4

Sample Result: _____

Date / Time Samples Collected: _____

Flow / Volume (gallons per day): _____

Sample Type: _____

Preservative(s): _____

Name of Person Sampling: _____

Date Data Received From Laboratory: _____

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.

I certify under penalty of law that the analysis for any parameters included with this report was performed at the facility immediately following sample collection, and in accordance with 40 CFR 136 Methods, 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 which 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.

City of Phoenix

WATER SERVICES DEPARTMENT
ENVIRONMENTAL SERVICES DIVISION

Notice of Violation of the Phoenix City Code, Chapter 28, Section 28-8(e)

Arizona Food Group — Name of Industry or Business
Food Processor — Type of Industry
2517 E. Chambers St. — Street Address City, State, Zip
602-232-2576 — Phone No
1305-5325 — Wastewater Discharge Permit No
5325.02 — Site Code
flume — Site Description e.g., flume @ SW side of building

pH Limitation: 5.0 - 10.5 S.U.

Date of Violation:	pH Reading Initial: 11.15 S.U.	Time: 1224
4/15/14	pH Reading Confirmation*: 10.90 S.U.	Time: 1230

Record pH to tenths place.
*** Original grab sample following recalibration**

Name of Industry or Business **is required to submit a written response to this Notice of Violation**

Your written report must outline the reason(s) the pH violation occurred and the corrective action(s) taken to prevent future pH violations. At a minimum, your written report must address each of the following:

A. Names and positions of all people involved with the investigation into why the violation(s) occurred.
B. A summary of the events of the investigation, including dates and amount of time expended on the investigation.
C. The conclusions reached from the investigation.
D. The corrective action(s) taken or to be taken, including completion dates.
E. How these actions will prevent future pH violations from occurring.

You are required to submit this report by 4-25-14 (Insert Date (10 Calendar Days)), to your assigned inspector at the following address:

City of Phoenix
Environmental Services Division **Phone: (602) 262-1859**
2474 South 22nd Avenue **FAX: (602) 534-7151**
Phoenix, Arizona 85009

Failure to comply with the requirements of this Notice will subject your facility 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 Environmental Services Division prior to the original report due date.

Should you have any questions regarding this Notice, please contact your assigned inspector at (602) 262-1859.

Notice served to: Janet Mullen **Title:** QA Manager

Receipt Acknowledged: _____ (Print Name) **Signature:** Janet Mullen

Inspector: Christie O'Day (Print Name) **Signature:** _____

White Copy to I.U. Yellow Copy to Assigned Inspector Pink Copy to File

148 12D Rev 5/

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

October 1, 2014

Ms. Janet Mullan
QA Manager
Arizona Foods Group, Inc.
2517 East Chambers Street
Phoenix, Arizona 85040

Certified Mail
Return Receipt Requested

7012 2920 0000 0588 0258

NOTICE OF VIOLATION

RE: Reporting – Self-Monitoring Report (SMR)

Arizona Foods Group, Inc. (Arizona Foods) is required to submit monthly Self-Monitoring Reports as specified in Wastewater Discharge Permit № 1305-5325. The August 2014 SMR submitted by Arizona Foods was due in our office by September 28, 2014 and was received on September 29, 2014, one day late. Therefore, Arizona Foods is in violation.

Requirement

Arizona Foods is required to submit to the Environmental Services Division a detailed written report **by October 13, 2014,** outlining the reason(s) the late reporting occurred and 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(s) occurred.

B. A summary of the events of the investigation, including dates and the amount of time expended on the investigation.

C. The conclusions reached.

D. The corrective action(s) taken or to be taken and dates, including completion dates.

E. How this action, or actions, will prevent future violations from occurring.

Failure to comply with the requirements of this letter will subject St. Luke's 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 ESD prior to the above due date.

Should you have any questions regarding this notice, please contact me at phone № (602) 534-1362, or e-mail at Stephanie.long@phoenix.gov. My office hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday.

Sincerely,

Stephanie Long
Senior Water Quality Inspector

c: Susan Kinkade, PE
Marji Dukowitz

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

October 22, 2014

7014 1200 0000 8444 8559

Ms. Janet Mullan
QA Manager
Arizona Foods Group, Inc.
2517 East Chambers St
Phoenix, Arizona 85040

Certified Mail
Return Receipt Requested

Notice of Violation

RE: Permit Condition – Reporting

Arizona Foods Group, Inc. (Arizona Foods) was required to submit a written report outlining the reason(s) for failure to submit the August SMR by the due date as required under Permit No 1305-5325 and the corrective action(s) taken to prevent future violations to the Environmental Services Division (ESD) as specified in the Notice of Violation dated October 1, 2014. The written report for Arizona Foods due in our office by October 13, 2014 was received on October 17, 2014, 4 days late. Arizona Foods Group is therefore in violation.

Arizona Foods Group, Inc. must submit a written report outlining the reason(s) for failure to meet this requirement and 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(s) occurred.

B. A summary of the events of the investigation, including dates and the amount of time expended on the investigation.

C. The conclusions reached.

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.

This written report must be submitted by October 31, 2014

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

If you require additional time to complete the report, a written request for an extension must be submitted to the Environmental Services Division prior to the above due date.

Should you have any questions, please contact me at phone № (602) 534-1362, or e-mail at stephanie.long@phoenix.gov. My office hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday.

Sincerely,

Stephanie Long
Senior Water Quality Inspector

c: Marji Dukowitz

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

October 31, 2014

HAND DELIVERED:

Date: 10/31/14
Received by: Janet Mullan
(Printed Name)
Signature: Janet Mullan
(Signed Name)

Mr. Rick Warf
Plant Manager
Arizona Foods Group, Inc.
2517 East Chambers Street
Phoenix, Arizona 85040-3640

As you know, Arizona Foods Group, Inc. was issued a Notice of Violation on October 22, 2014 for late reporting. Arizona Foods Group, Inc. submitted the NOV response for the NOV issued on October 1, 2014 four (4) days late.

The Show Cause hearing that is scheduled for November 4, 2014 encompasses the time period from December 1, 2014 to October 31, 2014. Therefore the recently issued violations are included in the upcoming Show Cause Hearing and the Penalty Calculations have been updated to include these violations. Please find enclosed an updated Penalty Calculation Worksheet.

Should you have any questions regarding this notice, please contact me at 602-534-1362. My office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday.

Sincerely,

Stephanie Long
Senior Water Quality Inspector

c: Stephen Wetherell
Marji Dukowitz
Stephanie Long

LIST OF VIOLATIONS

November 4, 2014
Permit Number: 1110-5325 and 1305-5325
Arizona Foods Group, Inc.
2517 East Chambers Street
Phoenix, Arizona 85040-3640

Regulated Under
City of Phoenix Local Limits

Penalty Period: December 1, 2012 through October 31, 2014= 23 months

CITY MONITORING VIOLATIONS

Date	Parameter	Discharge Concentration	Discharge Limitation*
08/01/2013	pH	11.5 S.U.	10.5 S.U. (I)
02/27/2014	pH	12.1 S.U.	10.5 S.U. (I)
04/15/2014	pH	11.2 S.U.	10.5 S.U. (I)

SELF MONITORING VIOLATIONS

Date	Parameter	Discharge Concentration	Discharge Limitation*
None			

REPORTING VIOLATIONS

Report	Due Date	Received Date	Days Late
SMR	02/28/2013	03/15/2013	15
NOV Report	03/03/2013	03/15/2013	12
Missed Sample Analysis Report	03/10/2013	03/15/2013	5
SMR	09/28/2014	09/29/2014	1
NOV Report	10/13/2014	10/17/2014	4

PERMIT CONDITIONS VIOLATIONS

Date	Violation
12/31/2012	Failure to Sample
12/31/2013	Failure to Sample

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

PENALTY CALCULATIONS WORKSHEET

November 4, 2014
Permit Number: 1110-5325 and 1305-5325
Arizona Foods Group, Inc.
2517 East Chambers Street
Phoenix, Arizona 85040-3640

Penalty Period: December 1, 2012 through October 31, 2014= 23 months

Effluent Violations

DATE	08/01/2013	02/27/2014	04/15/2014			
PARAMETER	pH	pH	pH			
VALUE	11.5 S.U	12.1 S.U.	11.2 S.U.			
LIMIT	10.5 SU	10.5 SU	10.5 SU			
% OVER LIMIT	9.5%	15.2%	6.7%			
TYPE VIOLATION	Instantaneous	Instantaneous	Instantaneous			
CITY/SELF MONITORING	City	City	City			
DISCHARGE (GPD)	41607	74975	74941**			
№ DAILY MEASUREMENTS	1	1	1			
№ AVERAGE MEASUREMENTS	N/A	N/A	N/A			
A SIGNIFICANCE	3	6	1			
B HEALTH	0.8	1.2	1.2			
B AQUATIC	N/A	N/A	N/A			
C FREQUENCY, DAILY	1.3	0.6	0.8			
C FREQUENCY, AVERAGE	N/A	N/A	N/A			
D DURATION	0.7	0.7	0.7			
UNIT FACTOR	1.0	1.0	1.0			
TOTAL FACTOR	6.8	9.5	4.7			
MONETARY MULTIPLIER*	$300	$300	$300			
PENALTY AMOUNT	**$2,040**	**$2,850**	**$1,410**			
SUBTOTAL PENALTIES (THIS PAGE)						**$6,300**

** Flow has been calculated based off the weekly average

PENALTY CALCULATIONS WORKSHEET

November 4, 2014
Permit Number: 1110-5325 and 1305-5325
Arizona Foods Group, Inc.
2517 East Chambers Street
Phoenix, Arizona 85040-3640

Penalty Period: December 1, 2012 through October 31, 2014= 23 months

Reporting Violations – Missed or Late Reports

TYPE OF REPORT	Self-Monitoring Report (SMR)	NOV Report	Missed Sample Analysis Report	Self-Monitoring Report (SMR)
DATE DUE	02/28/2013	03/03/2013	03/10/2013	09/28/2014
DATE SUBMITTED	03/15/2013	03/15/2013	03/15/2013	09/29/2014
DAYS LATE	15	12	5	1
EFFLUENT VIOLATION SHOWN?	No	No	No	No
$ PENALTY PER DAY LATE	**$30**	**$30**	**$30**	**$30**
PENALTY AMOUNT	**$450**	**$360**	**$150**	**$30**

TYPE OF REPORT	NOV Report			
DATE DUE	10/13/2014			
DATE SUBMITTED	10/17/2014			
DAYS LATE	4			
EFFLUENT VIOLATION SHOWN?	No			
$ PENALTY PER DAY LATE	**$30**			
PENALTY AMOUNT	**$120**			

SUBTOTAL PENALTIES (THIS PAGE)	**$ 1110**

PENALTY CALCULATIONS WORKSHEET

November 4, 2014
Permit Number: 1110-5325 and 1305-5325
Arizona Foods Group, Inc.
2517 East Chambers Street
Phoenix, Arizona 85040-3640

Penalty Period: December 1, 2012 through October 31, 2014= 23 months

Permit Conditions – Missed Analyses

PARAMETER	BOD	TSS	BOD	TSS
PERIOD COVERED	Oct 1 – Dec 31, 2012	Oct 1 – Dec 31, 2012	Oct 1 – Dec 31, 2013	Oct 1 – Dec 31, 2013
NUMBER REQUIRED	1	1	1	1
NUMBER PERFORMED	0	0	0	0
NUMBER MISSING	1	1	1	1
$ PENALTY PER	$100	$100	$100	$100
PENALTY AMOUNT	**$100**	**$100**	**$100**	**$100**
SUBTOTAL PERMIT CONDITIONS PENALTIES FROM THIS TABLE				**$400**

PARAMETER	COD	Cu	Pb	
PERIOD COVERED	Oct 1 – Dec 31, 2013	Oct 1 – Dec 31, 2013	Oct 1 – Dec 31, 2013	
NUMBER REQUIRED	1	1	1	
NUMBER DONE	0	0	0	
MISSING	1	1	1	
$ PENALTY PER	$100	$300	$300	
PENALTY AMOUNT	**$100**	**$300**	**$300**	
SUBTOTAL PERMIT CONDITIONS PENALTIES FROM THIS TABLE				**$700**
SUBTOTAL PENALTIES (THIS PAGE)				**$1,100**

PENALTY CALCULATIONS WORKSHEET

November 4, 2014
Permit Number: 1110-5325 and 1305-5325
Arizona Foods Group, Inc.
2517 East Chambers Street
Phoenix, Arizona 85040-3640

Penalty Period: December 1, 2012 through October 31, 2014= 23 months

Effluent Violations

Parameter	№ from City Monitoring	№ from Self Monitoring	Total Violations	Total Penalty
pH	3	0	3	$6,300
			Subtotal of Effluent Violations	**$6,300**

Reporting Violations

Type of Report	Total Penalty
Self-Monitoring Report (SMR)	$450
Missed Sample Analysis Report	$150
Notice of Violation Response Report	$360
Self-Monitoring Report (SMR)	$30
Notice of Violation Response Report	$120
Subtotal of Reporting Violations	**$1110**

Permit Condition Violations

Type of Violation	Total Violations	Total Penalty
Missed Samples	7	$1,100
Subtotal of Permit Condition Violations		**$1,100**

Penalty Totals

Total Penalties	**$8,510**
Public Notification Publication Fee	**$1,000**
Total of Penalties and Publication Fee	**$9,510**

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

October 10, 2014

Mr. Rick Warf
Plant Manager
Arizona Foods Group, Inc.
2517 East Chambers Street
Phoenix, Arizona 85040-3640

Certified Mail
Return Receipt Requested

7012 2920 0000 0587 00

NOTICE TO SHOW CAUSE

Arizona Foods Group, Inc. (Arizona Foods) has been previously notified of Effluent and Reporting violations. In light of the pretreatment violations identified in the attached Notices, and in this Notice to Show Cause, the City of Phoenix, acting as the Control Authority pursuant to the legal authority established by Title 40, Code of Federal Regulations, Part 403, and in accordance with Chapter 28 of the Phoenix City Code, hereby notifies Arizona Foods of its intent to utilize all appropriate remedies to address these pretreatment violations. These remedies include monetary penalties.

Representatives from Arizona Foods are required to attend a Hearing to Show Cause to be held in the Water Services Building Conference Room at:

Place:	**Environmental Services Division** **2474 South 22nd Avenue, Building 31** **Phoenix, Arizona 85009**
Date:	**November 4, 2014**
Time:	**1:30 pm**

During the Show Cause Hearing, Arizona Foods will be given the opportunity to respond to the allegations stated below, and will be asked to show cause why the City should not seek monetary and/or other penalties in response to the following:

During the time period of December 1, 2012 to September 30, 2014:

- Discharged in violation of applicable limitations on at least three (3) occasions.
- Failed on at least two (2) occasions to submit the written response by the due date as required in an issued Notice of Violation.
- Failed on at least two (2) occasions to sample during the time frame listed in the Wastewater Discharge Permits № 1110-5325 and 1305-5325
- Failed on at least two (2) occasions to submit the Self-Monitoring Report (SMR) by the due date listed in Wastewater Discharge Permits № 1110-5325 and 1305-5325

IT IS HEREBY REQUIRED that Arizona Foods have in attendance at this hearing, persons knowledgeable about the matters alleged in this Notice, as well as persons having financial decision making authority. Your representatives may be accompanied by legal counsel, if you so desire. A representative from the City Attorney's office will be present at the hearing.

In order for us to consider any written response to this Notice, it must be received by the Environmental Services Division on or before **October 27, 2014**.

A copy of the latest edition of the City's Civil Penalty Policy, together with the Civil Penalty Calculation Worksheet, is enclosed.

Your failure to appear will mean that the City of Phoenix will take all appropriate enforcement action it deems necessary, based on the facts as outlined in this Notice and attachments.

Should you have any questions regarding this Notice, please contact the Environmental Services Division at 602-262-1859. Our office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

Sincerely,

Susan Kinkade

Susan Kinkade, PE
Civil Engineer III

Enclosures: List of Violations
Penalty Calculations
NOV dated February 14, 2013
NOV dated March 18, 2013
NOV dated March 19, 2013
NOV dated March 20, 2013
NOV dated August 1, 2013
NOV dated February 12, 2014 and corrected October 2, 2014
NOV dated February 27, 2014
NOV dated April 15, 2014
NOV dated October 1, 2014
Civil Penalty Policy

c: Stephen Wetherell
Marji Dukowitz
Stephanie Long

LIST OF VIOLATIONS

November 4, 2014
Permit Number: 1110-5325 and 1305-5325
Arizona Foods Group, Inc.
2517 East Chambers Street
Phoenix, Arizona 85040-3640

Regulated Under
City of Phoenix Local Limits

Penalty Period: December 1, 2012 through September 30, 2014= 22 months

CITY MONITORING VIOLATIONS

Date	Parameter	Discharge Concentration	Discharge Limitation*
08/01/2013	pH	11.5 S.U.	10.5 S.U. (I)
02/27/2014	pH	12.1 S.U.	10.5 S.U. (I)
04/15/2014	pH	11.2 S.U.	10.5 S.U. (I)

SELF MONITORING VIOLATIONS

Date	Parameter	Discharge Concentration	Discharge Limitation*
None			

REPORTING VIOLATIONS

Report	Due Date	Received Date	Days Late
SMR	02/28/2013	03/15/2013	15
NOV Report	03/03/2013	03/15/2013	12
Missed Sample Analysis Report	03/10/2013	03/15/2013	5
SMR	09/28/2014	09/29/2014	1

PERMIT CONDITIONS VIOLATIONS

Date	Violation
12/31/2012	Failure to Sample
12/31/2013	Failure to Sample

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

PENALTY CALCULATIONS WORKSHEET

November 4, 2014
Permit Number: 1110-5325 and 1305-5325
Arizona Foods Group, Inc.
2517 East Chambers Street
Phoenix, Arizona 85040-3640

Penalty Period: December 1, 2012 through September 30, 2014= 22 months

Effluent Violations

DATE	08/01/2013	02/27/2014	04/15/2014			
PARAMETER	pH	pH	pH			
VALUE	11.5 S.U	12.1 S.U.	11.2 S.U.			
LIMIT	10.5 SU	10.5 SU	10.5 SU			
% OVER LIMIT	9.5%	15.2%	6.7%			
TYPE VIOLATION	Instantaneous	Instantaneous	Instantaneous			
CITY/SELF MONITORING	City	City	City			
DISCHARGE (GPD)	41607	74975	74941**			
№ DAILY MEASUREMENTS	1	1	1			
№ AVERAGE MEASUREMENTS	N/A	N/A	N/A			
A SIGNIFICANCE	3	6	1			
B HEALTH	0.8	1.2	1.2			
B AQUATIC	N/A	N/A	N/A			
C FREQUENCY, DAILY	1.3	0.6	0.8			
C FREQUENCY, AVERAGE	N/A	N/A	N/A			
D DURATION	0.7	0.7	0.7			
UNIT FACTOR	1.0	1.0	1.0			
TOTAL FACTOR	6.8	9.5	4.7			
MONETARY MULTIPLIER*	$300	$300	$300			
PENALTY AMOUNT	**$2,040**	**$2,850**	**$1,410**			
SUBTOTAL PENALTIES (THIS PAGE)						**$6,300**

** Flow has been calculated based off the weekly average

PENALTY CALCULATIONS WORKSHEET

November 4, 2014
Permit Number: 1110-5325 and 1305-5325
Arizona Foods Group, Inc.
2517 East Chambers Street
Phoenix, Arizona 85040-3640

Penalty Period: December 1, 2012 through September 30, 2014= 22 months

Reporting Violations – Missed or Late Reports

TYPE OF REPORT	Self-Monitoring Report (SMR)	NOV Report	Missed Sample Analysis Report	Self-Monitoring Report (SMR)
DATE DUE	02/28/2013	03/03/2013	03/10/2013	09/28/2014
DATE SUBMITTED	03/15/2013	03/15/2013	03/15/2013	09/29/2014
DAYS LATE	15	12	5	1
EFFLUENT VIOLATION SHOWN?	No	No	No	No
$ PENALTY PER DAY LATE	**$30**	**$30**	**$30**	**$30**
PENALTY AMOUNT	**$450**	**$360**	**$150**	**$30**
SUBTOTAL PENALTIES (THIS PAGE)				**$ 990**

PENALTY CALCULATIONS WORKSHEET

November 4, 2014
Permit Number: 1110-5325 and 1305-5325
Arizona Foods Group, Inc.
2517 East Chambers Street
Phoenix, Arizona 85040-3640

Penalty Period: December 1, 2012 through September 30, 2014= 22 months

Permit Conditions – Missed Analyses

METHOD CRITERIA- TABLE 1

PARAMETER	BOD	TSS	BOD	TSS
PERIOD COVERED	Oct 1 – Dec 31, 2012	Oct 1 – Dec 31, 2012	Oct 1 – Dec 31, 2013	Oct 1 – Dec 31, 2013
NUMBER REQUIRED	1	1	1	1
NUMBER PERFORMED	0	0	0	0
NUMBER MISSING	1	1	1	1
$ PENALTY PER	$100	$100	$100	$100
PENALTY AMOUNT	**$100**	**$100**	**$100**	**$100**
SUBTOTAL PERMIT CONDITIONS PENALTIES FROM THIS TABLE				**$400**

METHOD CRITERIA- TABLE 2

PARAMETER	COD	Cu	Pb	
PERIOD COVERED	Oct 1 – Dec 31, 2013	Oct 1 – Dec 31, 2013	Oct 1 – Dec 31, 2013	
NUMBER REQUIRED	1	1	1	
NUMBER DONE	0	0	0	
MISSING	1	1	1	
$ PENALTY PER	$100	$300	$300	
PENALTY AMOUNT	**$100**	**$300**	**$300**	
SUBTOTAL PERMIT CONDITIONS PENALTIES FROM THIS TABLE				**$700**
SUBTOTAL PENALTIES (THIS PAGE)				**$1,100**

PENALTY CALCULATIONS WORKSHEET

November 4, 2014
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Effluent Violations

Parameter	№ from City Monitoring	№ from Self Monitoring	Total Violations	Total Penalty
pH	3	0	3	**$6,300**
			Subtotal of Effluent Violations	**$6,300**

Reporting Violations

Type of Report	Total Penalty
Self-Monitoring Report (SMR)	**$450**
Missed Sample Analysis Report	**$150**
Notice of Violation Response Report	**$360**
Self-Monitoring Report (SMR)	**$30**
Subtotal of Reporting Violations	**$990**

Permit Condition Violations

Type of Violation	Total Violations	Total Penalty
Missed Samples	7	**$1,100**
Subtotal of Permit Condition Violations		**$1,100**

Penalty Totals

Total Penalties	**$8,390**
Public Notification Publication Fee	**$1,000**
Total of Penalties and Publication Fee	**$9,390**