

Stormwater Enforcement Response Plan



Arizona Department of Transportation

Office of Environmental Services
1611 W Jackson Street, MD EM04
Phoenix, Arizona 85007

Enforcement Response Plan
MS4 Permit No. AZS000018-2008
January 2012



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1611 W Jackson Street, MD EM04
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ACRONYMS

| | |
|--------|---|
| A.A.C. | Arizona Administrative Code |
| ADEQ | Arizona Department of Environmental Quality |
| ADOT | Arizona Department of Transportation |
| A.R.S. | Arizona Revised Statutes |
| AZPDES | Arizona Pollutant Discharge Elimination System |
| BLM | Bureau of Land Management |
| BMP | Best Management Practice |
| CGP | Construction General Permit |
| ECC | Erosion Control Coordinator |
| ERP | Enforcement Response Plan |
| FCGP | Federal Construction General Permit |
| MS4 | Municipal Separate Storm Sewer System |
| NOI | Notice of Intent |
| NOT | Notice of Termination |
| NPDES | National Pollutant Discharge Elimination System |
| ROW | Right-of-Way |
| SSWMP | Statewide Stormwater Management Program |
| SWPPP | Stormwater Pollution Prevention Plan |
| USEPA | United States Environmental Protection Agency |

1 Introduction and Background

This Stormwater Enforcement Response Plan (ERP) codifies enforcement procedures used by the Arizona Department of Transportation (ADOT) to enforce provisions of its Arizona Pollutant Discharge Elimination System (AZPDES) Statewide Stormwater Permit No. AZS000018-2008 (hereafter referred to as the ADOT Permit). Under Permit Section 2.0, ADOT must “utilize the powers delegated to it by the Arizona Legislature through Arizona Revised Statute (A.R.S.) Title 28 to control and enforce the release of pollutants to and discharges from the municipal separate storm sewer system (MS4) that is owned or operated by ADOT through rules and regulations regulating encroachments [e.g., Arizona Administrative Code (A.A.C.) R17-3-501, *et seq.*], permits, contracts or similar means.” This legal authority authorizes or enables ADOT to:

- Control the contribution of pollutants to the MS4 by stormwater and non-stormwater discharges associated with industrial activity and the quality of stormwater discharged from sites of industrial activity.
- Prohibit illicit discharges to the MS4.
- Control the discharge to the MS4 of spills, dumping, or disposal of materials other than stormwater.
- Require compliance with conditions in State statutes, rules, permits, contracts, and orders.
- Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and non-compliance with permit conditions including the prohibition on illicit discharges to ADOT’s statewide MS4.

ADOT’s MS4 consists of a conveyance or system of conveyances owned by ADOT that is designed or used for collecting or conveying stormwater, which is not a combined sewer, and which is not part of a publicly owned treatment works.

1.1 Purpose

This ERP describes the measures available to ADOT to exercise its authority. The ERP identifies enforcement procedures designed to encourage a timely response by the discharger. Implementation of the ERP will ensure a consistent response throughout the state and avoid confusion, delays, and disputes over enforcement for stormwater pollution prevention.

An effective enforcement program depends on detailed and comprehensive documentation of all contacts with the alleged violator and of all evidence establishing the violation. Investigations and enforcement actions must be handled quickly. ADOT is required by Permit Section 3.2.3.3.b and c to investigate reports of illicit discharges within 15 days from the date of awareness and by Permit Section 3.2.3.4.b to initiate enforcement action within 90 days of detection to eliminate the source(s) of the discharge.

1.2 ADOT Permit History

ADOT's current AZPDES permit was issued by Arizona Department of Environmental Quality (ADEQ) and became effective on September 19, 2008. This permit replaces the original National Pollutant Discharge Elimination System (NPDES) permit issued by United States Environmental Protection Agency (USEPA) on September 30, 1999. The scope of the current permit includes all stormwater discharges associated with statewide construction sites, industrial facilities, maintenance facilities, and MS4 under ADOT's control.

Although permitted under the federal program, permit waivers for small construction projects, known as erosivity waivers, are not permitted under the ADOT AZPDES permit.

1.3 Types of Enforcement Actions

ADOT is not a traditional MS4 and does not have a police force or the authority to levy fines. These legal constraints require ADOT to find different mechanisms to enforce provisions of the Permit. ADOT anticipates two general types of stormwater violations: ADOT construction sites and illicit discharges and connections to ADOT's MS4. Potential violators include construction contractors, businesses, industries, private citizens, and other governmental agencies. These are discussed in more detail below.

1.3.1 Construction Sites

ADOT's Permit provides AZPDES coverage for ADOT as owner of ADOT construction projects on non-Tribal lands. ADOT is not required to file a Notice of Intent (NOI) or Notice of Termination (NOT) for these construction projects. However, ADOT is required to file a NOI and NOT for NPDES coverage under Federal Construction General Permit (FCGP) for construction projects on Tribal lands.

ADOT construction contractors are required to obtain coverage as operators for ADOT construction projects by filing NOIs with ADEQ for coverage under the AZPDES Construction General Permit (CGP) on non-Tribal lands and with USEPA for coverage under the NPDES FCGP on Tribal lands. Contractors are subject to all CGP and FCGP provisions. When performing construction projects that cross Tribal boundaries onto non-Tribal land, the contractor must seek coverage under both permits. ADOT continues to be responsible for complying with construction stormwater discharge requirements statewide, whether activities are performed directly by ADOT staff or by contractors on behalf of ADOT. ADOT is responsible for ensuring that contractors adhere to the applicable general permit(s).

To that end, ADOT has inspection oversight responsibility and must ensure that a trained and certified Erosion Control Coordinator (ECC) inspects construction activity at every construction site until final stabilization is achieved. The Permit also requires ADOT to implement a system to monitor contracted construction activities and to enforce Permit provisions. ADOT is required to list and describe all violations and enforcement responses taken for construction activities in the Annual Report submitted to ADEQ.

ADOT's authority to take enforcement action at construction sites is derived from its contractual relationship with construction contractors. ADOT's Standard Specifications Section 104.09 contains mechanisms ADOT can use to ensure Permit compliance. These are discussed in more detail in Section 3.

1.3.2 Encroachment Permits

ADOT's Permit Section 3.2.3.1.b requires ADOT to implement and enforce encroachment permits. The ADOT Highway Encroachment Permit provides ADOT the authority to grant other parties access to the State highway system. Encroachment Permits are a written approval, granted by ADOT, for construction of fixed or temporary improvements within a state highway right-of-way (ROW) or for any activity requiring the temporary use of a state highway ROW. Examples of temporary use of state highway ROW are utility construction or maintenance, drainage improvements, groundwater monitoring, or special events such as litter pick-up and parades.

The Encroachment Permit requires permittees to assume all legal liability and financial responsibility for the encroachment activity for the duration of the encroachment. The permit holder must also agree to comply with environmental laws to include any and all federal, state, or local statute, law, ordinance, code, rule, regulation, permit, order, or decree with specific reference to compliance with NPDES or AZPDES requirements.

1.3.3 Illicit Discharges and Connections

The Permit also requires ADOT to take measures to detect and eliminate illicit discharges and connections to ADOT's MS4. An illicit discharge is defined as any discharge to a MS4 that is not composed entirely of stormwater with the exception of allowable non-stormwater discharges and separately permitted discharges. Illicit connections are defined as any man-made conveyance that connects an illicit discharge directly to the MS4. ADOT is required to implement a program to minimize, detect, investigate, and eliminate illicit discharges and connections, including unauthorized non-stormwater discharges and spills, into the MS4 owned and/or operated by ADOT.

ADOT has limited authority to take enforcement action on illicit discharges and connections through its encroachment permit provisions. Outside of violations by encroachment permit holders, ADOT's enforcement authority is generally limited to contacting the violator and requesting discontinuance of the discharge/connection and if that is not successful, reporting illicit discharges and connections to ADEQ, Arizona Highway Patrol, county sheriffs' offices, and peace officers of Arizona cities and towns.

2 Methods of Discovery of Non-Compliance

Reports of a stormwater violation or non-compliance may come from one of several sources:

- Reports from ADOT Staff – Illicit discharges and discharges of sediment or other pollutants from the construction sites, ADOT facilities, or other sources within ADOT's MS4 may be observed by ADOT staff as they conduct normal activities such as driving to or from job sites or when inspecting other activities. Such non-

compliances could include water and wind erosion, sediment tracking onto local streets or highways, poor housekeeping, location of concrete washouts, and failed or ineffective best management practices (BMPs).

- Permit Compliance Activities – Non-compliances may be discovered through Permit-required inspections or monitoring, including construction site inspections, dry weather screening, and stormwater sampling.
- Contractor Compliance Activities – A construction contractor’s failure to comply with administrative requirements such as conducting and submitting inspection reports, obtaining annual certifications, preparing and implementing Stormwater Pollution Prevention Plans (SWPPPs).
- Reports from the Public – Public complaints may come directly to ADOT or through other local, state or federal government agencies.

3 Construction Contractor Enforcement

An ADOT construction project is a partnership. Partnering is a process for developing a spirit of teamwork and cooperation through shared goals, open communication, problem identification and resolution, conflict escalation procedures, and the monitoring of team performance. Section 104.01(A) of the ADOT Construction Manual contains the Covenant of Good Faith and Fair Dealing. This section imposes the obligation on ADOT and the Contractor to perform their contractual duties in an honest, diligent, and cooperative manner.

The following section describes ADOT’s authority and the mechanisms for enforcing Permit provisions on ADOT construction sites.

3.1 Construction Contractor Enforcement Authority

ADOT’s construction contractor enforcement authority can come from two different sources: provisions in the Standard Specifications or special provisions added to the standards.

3.1.1 Standard Specifications

Section 104.09 of ADOT’s Standard Specifications for construction contracts includes a number of mechanisms to ensure contractors comply with stormwater pollution prevention requirements.

Failure of the contractor to properly maintain the erosion control measures required in the approved construction SWPPP will be cause for the Engineer to reject the ECC and issue a stop work order. Rejection of the contractor’s ECC shall be for failure to complete any of the following:

- Should the Engineer (ADOT employee or representative) determine that the SWPPP is not being properly implemented; the contractor will be notified in writing of such concerns. The contractor’s ECC shall fully implement, to the

satisfaction of the Engineer, the requirements of the approved SWPPP within three working days.

- Should any corrective measures not be completed within the time periods specified therein, the Engineer will notify the contractor in writing. The contractor's ECC shall complete all required corrective measures within two calendar days of such notification, except that direct inflows of sediment into a watercourse shall be corrected within 24 hours.
- Should the Engineer determine that routine maintenance of the project's erosion control measures is not being adequately performed; the contractor will be notified in writing. Within three working days, the contractor's ECC shall demonstrate, to the satisfaction of the Engineer, that such steps have been taken to correct the problem (ADOT Specification 104.09, 2009).

Specification 805 includes the following mechanisms to ensure contractors comply with seeding requirements:

- Failure of the contractor to provide all seed tag labels will cause the Engineer to withhold payment for the seed.
- Failure of the contractor to seed an unstabilized area will cause the Engineer to suspend work until such seeding stabilization has been completed. The entire cost of such work will be deducted from the monies due or to become due to the contractor. In addition, no adjustment to the contract time will be made for suspensions resulting from the contractor's failure to provide seeding for a sub-area within the specified timeframe.
- Failure of the contractor to properly apply application materials (seed mix, fertilizer, mulch, etc) to the acceptance of the Engineer will result in ADOT withholding in-part or in whole 70% of the contract bid price per acre.
- Failure of the contractor to properly maintain the site during the 45 day maintenance stage to the acceptance of the Engineer will result in ADOT withholding in-part or in whole 30% of the contract bid price per acre.

Specification 1001 includes the following mechanisms to ensure contractors comply with material source requirements:

- Failure of the contractor to provide all evidence that all royalty charges have been paid, ADOT may make such payment and deduct the amount of such payment from monies due the contractor.
- For material sources under the jurisdiction of either the State Land Department or the Bureau of Land Management (BLM), the contractor must secure a performance bond. If the contractor does not uphold the terms and conditions of the contract, ADOT shall use the bond to complete the contract.

These standard contractual provisions clarify and more fully demonstrate ADOT's legal authority to review and enforce the ADOT stormwater management standards on highway construction projects. When the standard specifications are not sufficient to address unique or sensitive project sites, special provisions may be implemented.

3.1.2 Special Provisions

Special provisions can be added to construction contracts that contain specific language or direction regarding the implementation of stormwater pollution control measures. Special provisions are legally binding to the contract and ADOT is legally bound and entitled to enforce them. Specific requirements can include:

- Provisions for retention of funds
- A listing of temporary water pollution control practice items of work
- Minimum BMP requirements or BMP specifications
- Requirement to submit a water pollution control cost breakdown
- Specific rainy season dates
- Year-round, rainy season and non-rainy season implementation requirements
- The maximum allowable disturbed soil area for the project during the rainy season
- Regular inspection and maintenance of implemented BMPs
- Discharge reporting requirements
- Sampling and analysis requirements
- Project scheduling
- Other agency requirements (e.g. mitigation specified by other governmental agencies or Tribes)

3.2 Contractor Compliance Requirements

Compliance with stormwater permits and laws on ADOT's construction projects must be enforced according to contract provisions. ADOT's construction contract requires that ADOT's contractors shall be responsible to implement the requirements of the AZPDES for erosion and sediment control as specified in the "General Permit for Discharge from Construction Activities to the Waters of the United States" as issued by ADEQ. Submittal of the contractor's NOI shall certify that the contractor and its subcontractors have read, and will comply with, all provisions of the AZPDES CGP and/or FCGP. ADOT's Permit requires that:

- ADOT require its contractors to comply with the AZPDES CGP or FCGP for regulated construction projects, including the contractor's obligation to file a NOI and obtain authorization under the AZPDES CGP or FCGP for each construction project or site. The contractor shall also file a NOT for each construction project or site, either terminating their responsibility if final stabilization has been achieved, or transferring it to ADOT for completion. ADOT shall impose contract provisions incorporating into the contract all requirements of ADOT's Permit that are not included in the AZPDES CGP. ADOT may also impose project-specific requirements in addition to those specified in the CGP and FCGP.

- ADOT shall ensure that the contractor's NOI references the site as an ADOT project and shall keep a copy of the ADEQ or USEPA authorization certificate.
- ADOT shall ensure that all applicable provisions of the AZPDES CGP, FCGP, and the ADOT Permit are implemented for ADOT projects, as appropriate, and shall implement a system to enforce these provisions.

3.3 Construction Contract Enforcement

When stormwater non-compliance is identified by the Construction Operations Section or Resident Engineer, enforcement actions will be taken promptly but in no event later than 30 days following identification of the non-compliance. ADOT will take appropriate contractual sanctions against the contractor based on the nature and severity of the situation. Non-compliances will be classified as minor or major violation. Major violations are generally those acts or omissions that lead to a discharge of pollutants to stormwater. Minor violations are generally instances of non-compliance that do not directly result in such a discharge. Serious discharges or an imminent threat of discharge on a project may require an immediate escalation to a higher level of enforcement. The level of enforcement response will depend upon several factors:

- Severity of the violation: the duration, quality, and quantity of pollutants, and effect on public safety and the environment
- The violator's knowledge (either negligent or intentional) of the regulations being violated
- A history of violations and /or enforcement actions individual or contractor
- The potential deterrent value of the enforcement action

ADOT will use the following progressive contract enforcement policy, escalating the response when a contractor fails to respond in a timely manner. If the contractor or ADOT identifies a deficiency in the implementation of the approved SWPPP or amendments, and the deficiency is not corrected immediately or by a date requested by the contractor and approved by ADOT in writing, the project is in non-compliance. The recommended sequence of enforcement actions are detailed below.

3.3.1 Verbal Warning

This action is a verbal exchange between an inspector or the resident engineer and the alleged violator. The information exchanged will be documented by the inspector. Typically, no letter is written if the problem is corrected immediately and the inspector or resident engineer observes the corrective action and deems it appropriate.

3.3.2 Written Warning

A warning letter may be issued if the non-compliance continues for 30 days after the verbal warning is issued, if the non-compliance cannot be corrected while the inspector or resident engineer is on site, or if the non-compliance is a significant violation. The warning letter will document the reasons why the discharge is illegal and provide deadline for compliance. Typically, compliance is required within 30 days to avoid

additional enforcement actions; however, if the situation warrants, shorter or longer deadlines may be permissible. A sample letter to violators is provided in Appendix A.

3.3.3 Stop Work Order

If the verbal and written warnings do not result in corrective action by the documented deadline, ADOT may stop work (full or partial shut down) at the construction site. Upon successful corrective action in response to a stop work order, a resume work order may be issued. Example stop work and resume work orders are provided in Appendix B.

3.3.3.1 Temporary Suspension of Work

If immediate action is required due to an imminent threat of discharge or if the contractor does not respond to the warning letter within the required time frame, ADOT may temporarily suspend work on the project.

3.3.3.2 Termination of Contract

If, after the verbal and written warnings and suspension of work, a contractor does not comply with stormwater discharge control requirements, ADOT may terminate the contract and mobilize another contractor or ADOT's maintenance personnel to complete the work.

3.3.4 Rejection of ECC

ADOT may reject the Contractor's ECC if, in the opinion of the resident engineer, the conditions of the AZPDES CGP or the approved SWPPP are not being fulfilled. The Contractor's ECC shall be rejected for any of the following:

- Failure to properly implement the SWPPP within three working days after written notification.
- Failure to complete corrective measures within two calendar days after written notification. (24 hours if sediment flows directly into a body of water.)
- Failure to perform routine maintenance within three working days after written notification.

In the event of the ECC's failure to comply with any of the above requirements, the resident engineer will direct the Contractor to stop all affected work and propose a new ECC as soon as possible. However, all erosion and pollution control items specified in the SWPPP shall be maintained at all times. No additional work on construction items affected by the SWPPP will be allowed until the resident engineer has approved a new ECC and all corrective measures have been completed. The Contractor will not be allowed compensation or an extension of contract time for any delays to the work.

4 Encroachment Permit Enforcement

Because ADOT is responsible to ADEQ for discharges from its MS4 to waters of the US, ADOT must hold others, including encroachment permit holders, responsible for discharges to the MS4. If a permittee fails or refuses to comply with stormwater pollution prevention requirements or causes ADOT to be in violation of its Permit, ADOT may take the following progressive actions against the permit holder.

4.1 Require Corrective Action

ADOT may require the permit holder to undertake corrective or remedial action to address any release or threatened release or discharge of the hazardous substance, pollutant or contaminant, water, wastewater, or stormwater.

4.2 Revoke the Encroachment Permit

If an inspection of the area covered by the Encroachment Permit identifies a violation of stormwater requirements, ADOT may revoke the Encroachment Permit. By revoking the permit, the permit holder is no longer allowed access to the ROW. If the permit is revoked, the permit holder must repair any aspect or condition of the encroachment and restore the ROW to its original or better condition.

4.3 Injunctive Relief

ADOT may seek an order from the court requiring the permit holder to either prohibit an act or condition or to require a certain action.

5 Illicit Discharge and Connection Enforcement

ADOT is responsible for monitoring discharges to its MS4 because the ADOT Permit requires ADOT to ensure that discharges from its MS4 do not cause or contribute to an exceedance of water quality standards. In addition, neighboring property owners are not allowed to occupy, use or interfere with public ROW without permission. Any discharge/connection without permission is an illegal encroachment on ADOT ROW. A discharge/connection can be discovered in two ways, either through routine inspection or due to a complaint.

Similar to Section 3.3, notification of observed illicit connections or discharges will be carried forward to the alleged connector/discharger by the inspector or observer. ADOT will use the following progressive contract enforcement policy, escalating the response when a discharger fails to respond in a timely manner.

5.1 Verbal Warning

When a routine inspection of the drainage system identifies an illegal connection/discharge to the ADOT system, the inspector documents the discharge on a Dry Weather Field Screening Site Report, which will be provided to the Water Quality Manager within 48 hours. If during routine business a connection/discharge to the ADOT system is discovered, then either the District Environmental Coordinator (DEC) or Water Quality Manager (if not DEC present) will be notified as soon as practicable.

If the source of the connection is evident, the observer/inspector will contact the connector/discharger directly by phone or in person to discuss elimination. The communication will include requesting any permits or other authorizations and providing a follow up date (within 15 days). If the discharge is permitted or authorized (documentation is required), no further action is required; if the discharge is not authorized, it will need to be addressed or ceased within 15 days.

5.2 Written Warning

If after 15 days the illicit connection/discharge has not been corrected, the Water Quality Manager will issue a “Notice of Illegal Discharge and Demand for Corrective Action” letter to the property owner (example letter in Appendix C). The letter will request that the connection/discharge be ceased or removed within 30 days. A follow up inspection will be performed by the District Environmental Coordinator or Environmental Compliance Evaluator to ensure compliance. If the connection/discharge has not been corrected, the incident will be referred internally to the ADOT OES Compliance Group for action.

5.3 Removal of Connection/Discharge

ADOT’s Water Quality Manager or designee may remove the illegal connection/discharge if it has not been corrected within the initial 60 days of observation timeframe. If ADOT removes the illegal connection/discharge, the responsible party is subject to civil action for damages.

5.4 Civil Action

If the illegal connection/discharge is not corrected within 60 days of observation, the Water Quality Manager may forward the matter to the Arizona Office of the Attorney General so that a lawsuit may be filed. Alternatively, on direction of the attorney general, the local county attorney may file pursuant to A.R.S. §28-7053 Misuse of Public Highway. A “Request for Assistance from the Arizona Attorney General” is included in Appendix C.

5.5 Other Enforcement Actions

ADOT is not a typical MS4, such as a city or county, with its own enforcement branch such as police department, sheriff, or zoning board. Without an enforcement branch, ADOT relies on other jurisdictions for enforcement assistance. However, non-compliance will be referred internally the ADOT’s Compliance Group before seeking civil or external enforcement, as necessary. The following subsections describe the authority of other government entities that ADOT may appeal to for enforcement assistance.

5.4.1 United States Environmental Protection Agency

Although the USEPA delegated authority for the NPDES Program to the state of Arizona, the USEPA reserves the authority to apply fines in addition to fines issued by ADEQ. Federal environmental regulations based on the Clean Water Act allow the USEPA to levy fines on dischargers of up to \$27,500 per day per violation.

5.4.2 Arizona Department of Environmental Quality

Authority to administer AZPDES in Arizona rests with ADEQ. ADEQ has several enforcement mechanisms for violations of AZPDES rules including compliance orders (A.R.S. §49-261), injunctive relief and civil penalties (A.R.S. §49-262), and criminal penalties (A.R.S. §49-263).

5.4.3 Municipal Separate Storm Sewer Systems

When sediment or pollutants from ADOT's ROW discharge to a regulated MS4, those discharges are subject to enforcement by the local municipality. Likewise, when ADOT ROW accepts discharges from adjacent MS4s, ADOT is responsible to remediate or rectify the situation; thereby complying with its Permit.

In the event that a discharger is not identified, the Water Quality Manager will prepare a letter to the local MS4 describing all known information regarding the connection/discharge, and request the action be addressed within 30 days. If no response is received by ADOT from the MS4 in 30 days, ADOT Water Quality will exercise the authority to initiate enforcement action pursuant to A.R.S. 28-7053. Refer to Appendix C for a copy of enforcement notification letters.

MS4 Enforcement procedures vary, but may include citations for code enforcement violation the range from as little as \$50 to the maximum amount allowed under the A.R.S. (\$25,000). Some municipalities will issue citations directly to the contractor or the individual person responsible for the discharge.

6 Emergency Response Conditions

ADOT's Permit identifies "discharges from emergency highway situations where federal rules specify washing as the preferred method to assure public safety" as an authorized non-stormwater discharge. Such discharges will not be subject to enforcement action.

7 Reporting Requirements

ADOT shall provide a list and description of all violations and their resolutions, including any enforcement actions taken against its contractors, in the Annual Report to ADEQ. At a minimum, the inspector should document the source of the complaint, the date, the time, the contact person (if any), a description of the nature of the non-compliance or illicit discharge, actions taken, and final resolution.

APPENDIX A

Non-Compliance Notice to Contractors

Appendix A



ARIZONA DEPARTMENT OF TRANSPORTATION

NONCOMPLIANCE NOTICE

FROM: _____

TO: _____

| |
|-------------|
| Date: _____ |
| Time: _____ |

CONTRACT NO. _____

PROJECT TITLE _____

CONTRACTOR _____

You are hereby notified that tests, inspection indicates that the _____

does not conform to the contract requirements.

Refer to Section _____ Paragraph _____ Drawing No/Detail _____

of the _____

Under these provisions, the requirements are _____

Non complying work shall be removed and replaced at no cost to the Department. It shall be the contractor's responsibility to determine the corrective action necessary and to submit a corrective plan for approval.

INSPECTOR

Noncompliance notice was received by the Contractor on _____

By: _____

Title: _____

† 10-0506 R03/01

Distribution: 1) Contractor 2) Project File

APPENDIX B

Stop Work and Resume Work Orders

Appendix B

ARIZONA DEPARTMENT OF TRANSPORTATION

STOP WORK ORDER

F.A. Project No. _____ Fund Code Order No. _____

Project _____ Contractor _____

Date Effective _____ Time of Day _____

Work Stopped 100% Work Stopped Partial

(Check square applicable)

Reason: _____

If partial shutdown, list items affected on reverse side or attached sheet

Resident Engineer

Appendix B

**ARIZONA DEPARTMENT OF TRANSPORTATION
RESUME WORK ORDER**

Project No. _____ A.F.E. No. _____ Order No. _____

Project _____ Contractor _____

Date Effective _____ Time of Day _____

Work 100% Resumed

Reason: _____

Resident Engineer

APPENDIX C

Notice of Illegal Discharge and Demand for Corrective Action



**Arizona Department of Transportation
Administrative Services Division**

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer
Governor

John H. Nichols
Division Director

January 30, 2012

John S. Halikowski
Director

NOTICE OF ILLEGAL DISCHARGE OR CONNECTION

Person or Business Name
Address
Phoenix, AZ

Dear Property Owner:

The Arizona Department of Transportation (ADOT) is responsible for maintaining not only roadways, but also the extensive storm drain network located within the State rights-of-way. The Arizona Pollutant Discharge Elimination System (AZPDES) Program, which is a component of the Clean Water Act of 1972, requires ADOT to control the amount of pollutants entering the drainage system. Part of this charge is the detection and elimination of illegal discharges or connections to the system that may contain pollutants or are otherwise not allowed. Left uncorrected, any pollutants entering the system will ultimately impact nearby streams, as storm drainage is not treated at any sort of treatment facility. In addition, neighboring property owners are not allowed to occupy, use or interfere with public right of way without permission. Any discharge/connection without permission is an illegal encroachment on ADOT right of way.

An inspection of the drainage system has occurred in the vicinity of your property and an illegal connection/discharge was discovered entering into the ADOT system. The discharge/connection was discovered on <insert date> at <insert business name and address>.

Indicators or Source include pipng and staining.

Photographs of this discharge/connection are enclosed with this letter. In addition, I have enclosed an aerial photograph showing the location of this discharge/connection.

This discharge or connection must be ceased or removed within 30 days. A follow-up investigation will be conducted after that time to ensure compliance. If the situation is not corrected, ADOT will take corrective measures, including but not limited to sending this matter to the Arizona Office of the Attorney General so that a lawsuit may be filed. In the alternative, ADOT may remove the discharge/connection and bill you directly pursuant to A.R.S. § 28-7053.

If the illegal discharge/connection cannot be removed within 30 days, you do not understand this notice, or you disagree that an illegal discharge/connection exists at your property, please contact me with further details or explanation by calling 602.712.8353 or by email at wterlizzi@azdot.gov.

Sincerely,

Wendy Terlizzi
ADOT Office of Environmental Services Water Quality Manager
1611 W Jackson Street, MD EM02
Phoenix, Arizona 85383

Enclosure (photographs)

cc: Todd G. Williams, M.Sc, ADOT Office of Environmental Services Director
District Engineer
District Environmental Coordinator

DRAFT



Arizona Department of Transportation
Administrative Services Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer
Governor

January 30, 2012

John H. Nichols
Division Director

John S. Halikowski
Director

Mr. Ron J. Aschenbach
Office of the Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007

Dear Mr. Aschenbach,

The Arizona Department of Transportation (ADOT) is responsible for maintaining not only roadways, but also the extensive storm drain pipe network located within the State's rights-of-way. On <insert date>, an illegal connection/discharge was discovered entering into the ADOT system at <insert location>. A Notice of Illegal Discharge and Demand for Corrective Action letter (attached) was sent to the property owner <insert name> on <insert date>. Thirty days have elapsed since the issuance of the letter and ADOT conducted a follow-up inspection on <insert date>, where it was discovered that the illegal connection/discharge has not ceased or been removed.

This letter is to request assistance from the Arizona Attorney Generals Office in the removal of the discharge/connection. If you have any questions or need further information, please contact me by calling 602.712.8353 or by email at wterlizzi@azdot.gov.

Sincerely,

Wendy Terlizzi
ADOT Office of Environmental Services Water Quality Manager

cc: Todd G. Williams, M.Sc, ADOT Office of Environmental Services Director
District Engineer
District Environmental Coordinator