



Town of Prescott Valley
Enforcement Response Plan

October 2021

Prepared For:

The Town of Prescott Valley

7501 E. Skoog Boulevard
Prescott Valley, AZ 86314

Town of Prescott Valley **Enforcement Response Plan**

in support of the

**2021 NOTICE OF INTENT
AUTHORIZATION # AZSM91491**

**STATE OF ARIZONA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION
SURFACE WATER PERMITS UNIT, 5415 B
1110 West Washington
PHOENIX, ARIZONA 85007**

ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT FOR DISCHARGE AZG-2021-002
FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

Located in the Incorporated Area of the Town of Prescott Valley

Prepared by:

TOWN OF PRESCOTT VALLEY PUBLIC WORKS DEPARTMENT
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Town of Prescott Valley ***Enforcement Response Plan***

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Regulatory Program Introduction and Background

In 1972, Congress passed the Clean Water Act (CWA) that seeks to protect and improve the quality of the nation's waters. Toward this end, the CWA prohibits the discharge of any pollutants to waters of the United States unless that discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit.

Polluted stormwater runoff is often transported to Municipal Separate Storm Sewer Systems (MS4s) and ultimately discharged into local rivers and streams without treatment.

Phase I of the U.S. Environmental Protection Agency's (EPA) Municipal Stormwater Program was promulgated in 1990 under the authority of the CWA. Phase I relied on the NPDES permit coverage to address stormwater runoff from medium and large MS4s that serve populations of 100,000 or greater.

The Stormwater Phase II Final Rule (promulgated December 8, 1999) was the next step in the EPA's efforts to preserve, protect, and improve the nation's water resources by reducing the quantity of pollutants that stormwater picks up and carries into storm sewer systems during storm events. The Phase II program requires additional operators (small MS4s in urbanized areas) to implement programs and practices to control polluted stormwater runoff, through the NPDES permit program.

The State of Arizona has received primacy for the Federal NPDES program and is charged with implementing the program, now called Arizona Pollutant Discharge Elimination System (AZPDES). The program requires Phase II municipalities to develop a Stormwater Management Plan (SWMP). The Arizona Department

of Environmental Quality (ADEQ) issued the small MS4 General Permits that authorize discharge of pollutants in municipal stormwater to waters of the United States.

The Town of Prescott Valley (Town) submitted the *Town of Prescott Valley Stormwater Management Program Plan*, along with the Notice of Intent (NOI), to apply for permit coverage on March 10, 2003 to ADEQ. On October 5, 2005, ADEQ provided a five-page letter authorizing MS4 General Permit (no. MS42002-31) while listing deficiencies to the 2003 SWMP, the NOI and the 2003/2004 Annual Report. According to the letter, the revised SWMP, along with the Non-Stormwater Discharge Ordinance, revised NOI, and 2004/2005 Annual Report, was due on December 15, 2005.

A revised SWMP was submitted in February, 2009 by Dibble Engineering. This revised SWMP addressed the deficiencies of the original 2003 plan and developed additional Best Management Practices (BMPs) that the Town adopted moving forward. This plan was accepted by ADEQ and the Town continued to operate under its 2002 MS4 General Permit.

An updated 2017 SWMP addressed the requirements of the 2016 Small MS4 General Permit (AZG2016-002) and updated its Best Management Practices (BMPs) in response to a 2016 audit by ADEQ.

A 2016 NOI was submitted to ADEQ in December 2016. Additional information was requested by ADEQ and supplied in December 2016. Final ADEQ authorization of the 2016 NOI was received on March 22, 2017.

This SWMP addresses requirements under the new 2021 permit requirements under Permit # AZG-2021-002. A 2021 NOI has been issued to the Town of Prescott Valley, Authorization # AZSM91491.

Plan Objective

The Stormwater Manager was tasked to develop an Enforcement Response Plan as a condition of the 2021 permit. The plan will accomplish the following objectives:

- Enforcement Plan objectives,
- Identify various enforcement actions, and
- Identify various enforcement plans.

Enforcement Plan Objectives

The Town of Prescott Valley ensures best management practices are implemented by enforcing its Municipal Code and uses the Stormwater Management Plan as a guiding document for compliance with pollution prevention requirements.

Assessment of Municipal Code is accomplished through a variety of means to include inspections, responses to "Request for Service" and routine Municipal Separate Storm Sewer System (MS4) outfall monitoring and inspections.

Various levels of enforcement action are found in the following sections. Experience and professional judgment of Town staff are important in determining the severity and appropriate response to a violation.

Administrative Enforcement Actions

Various administrative enforcement actions employed by the Town in order of increasing severity are as follows:

- Internal Enforcement – internal disciplinary action will be the responsibility of the immediate supervisor and will follow procedures as outlined in the Town's Personnel Policies and Procedures Manual.
- Written and Verbal Warnings – Typically the first level of enforcement action when a violation of the Town's Municipal Code or Arizona State Statute is observed. Written violations can be a Notice of Violation or Cease and Desist order. When a written notice is issued, the violation is recorded in the Town's record tracking system, a time frame to correct the violation is issued and a follow up date for inspection is scheduled.
- Public Nuisance Abatement – Violations deemed to be a threat to public health, safety and welfare may be identified as a public nuisance. Costs to correct the violation may be incurred by the responsible party and will be paid in full, including any other potential penalties. A lien may be filed against a property for non-payment of fines.
- Enforcement of Contracts – The Town may use provisions within a contract for enforcement of non-compliance. Provisions may include refusal of payment, stop work and/or contract termination if the contractor's performance does not comply with applicable permits, laws, regulations and Town Code ordinances.
- Stop Work Notices – Whenever any work is being done contrary to Town Code, International Building Code or other laws, ordinances or regulations, an authorized enforcement

official may order the work stopped by notice in writing to any person engaged in doing or causing such work to be done. For enforcement of required BMP's at construction sites, the Town can issue a Stop Work Notice for non-compliance. To restart work, the responsible party must request the Town re-inspect the site to determine correction of deficiencies.

- Permit Suspension or revocation – Violations of the Town's Municipal Code may be grounds for permit and/or other Town approvals or licenses to be revoked or suspended. Suspension or revocation occurs after issuance of a notice and hearing.
- Hearings and Appeals – When any of the above enforcement actions are taken, a violator may request a hearing to contest the enforcement official's determination that a violation has occurred.

Judicial Enforcement Actions

In addition to administrative enforcement procedures, the Town may take judicial enforcement actions as follows:

- Civil Penalties and Remedies – The Town Attorney is authorized to file criminal and civil actions and to seek civil penalties and/or other remedies to enforce the Town's ordinances.
- Injunction Relief – The Town may pursue enforcement by judicial action for preliminary or permanent injunctive relief for violations of its ordinances when the violation threatens to cause a condition of contamination, pollution or nuisance.
- Arrest or Issue Citations – Any designated Enforcement Official is authorized to arrest without warrant any person whenever the Enforcement Official has reasonable cause to

believe that the person has committed a violation of Municipal Code or Arizona State Statute in his or her presence.

- Criminal Infractions – Misdemeanors and Infractions – It is unlawful for any person to violate any provision or to fail to comply with any of the requirement of the Town's Municipal Code or Arizona State Statutes.

Enforcement Documentation

During each investigation, all observed non-compliance activity is documented. The following information, where applicable, is recorded in a database for use in administrative and judicial enforcement actions.

- Chronology of events
- Case summary
- Inspection reports
- Complaints
- Phone conversation records
- Correspondence
- Maps and diagrams
- Reports from regulatory agencies
- Photographs
- Witness list
- Explanation of the violations
- Field notes
- Emergency incident reports
- Lab results
- Chain-of-custody for samples
- Sampling plans
- Other supporting documents

Enforcement Plans

The Town utilizes various enforcement measures to require compliance with its ordinances. Various enforcement plans, responsible department are listed in Table 1.

Table 1

Enforcement Plan	Summary	Responsible Department
Illicit Discharge and Detection	Town Code Compliance Officers generally follow an established enforcement system to abate the violation and get the responsible into compliance. The Public Works and Engineering Departments assist with identification and potential clean up if needed. Public Works utilizes the Request for Service hotline to identify potential violations. Large scale illicit discharges typically involve the Fire and Police Departments. Each has their own policies and procedures in handling spills or hazardous material events. The Police Department can deploy its mobile command center if needed. An area Hazard Mitigation Plan also handles multi-jurisdictional events. Subsequent follow-up inspections may be conducted to verify the original issues have been resolved.	Code Enforcement/Public Works/Engineering/Police Department
Initial Construction BMP Installation	Deficiencies of initial BMP installation are recorded in the first weekly construction meeting minutes. Deficiencies are typically to be corrected by the second weekly construction meeting. Non-compliance can result in a Letter of Violation. Repeated offenses can result in a citation.	Code Enforcement/Public Works/Engineering
Maintenance of existing BMP's	Inspectors notify the responsible party of deficiencies found during inspection. These are conducted during weekly construction meetings and are noted in the weekly construction meeting minutes. A Letter of Violation is issued for continued non-compliance. Escalated enforcement actions include a Stop Work Order or issuance of administrative Citations.	Code Enforcement/Public Works/Engineering
Post Construction BMP Construction/Installation	The primary mechanism for compliance of properly constructed/installed BMP's is withholding of approvals of Certificate of Occupancy. Escalated enforcement actions include Administrative Citations and Civil Penalties	Code Enforcement/Public Works/Engineering

Enforcement Plan	Summary	Responsible Department
Industrial/Commercial/Retail Facilities	If a significant and/or immediate threat to water quality is observed, action will be taken to require the facility to immediately cease and correct the discharge or activity. Less immediate concerns are resolved through follow up actions with a goal of resolution within a short time frame. Mobile businesses may be required to obtain appropriate cleanup materials or tools prior to being allowed to resume operations. Depending on the severity of the infraction, enforcement actions range from verbal and written warnings to civil or criminal prosecution.	Town Building Official/Code Enforcement
Town Buildings/Parking/Landscaping	If a result of any inspection uncovers improvements to BMP's are required, the respective department will determine the necessary improvement needed and perform the actions necessary to bring the BMP's into compliance. Assistance from other department may be needed. Subsequent follow-up inspections may be conducted to verify the original issues have been resolved.	All Town Departments
Town Owned or Leased Properties	The Town utilizes the same procedures as for building/parking/landscape. Code Compliance Officers may notify the appropriate department verbally or in writing of a violation. Typically, Public Works or Facilities has responsibility for BMP maintenance. A follow-up inspection may be necessary depending on the nature and severity of the violation.	Code Enforcement/Public Works/Parks and Recreation/Facilities
Non-Emergency Police Activities	Inspection of Police activities are typically conducted by Public Works, Facilities or the Police Department. Follow up inspections will be conducted by Public Works. The Town's Stormwater Manager will assist as necessary to correct any issues.	Police Department/Public Works/Facilities
Public Utilities – Wastewater collection and treatment	The Town Utility Department handles inspection requirements under a separate ADEQ Permit and has its own requirements for observation and monitoring. Operation and Maintenance of Town Utilities is outsourced and under the daily management of the Town's Utility Department.	Utility Department

Enforcement Plan	Summary	Responsible Department
Public Utilities – Water Systems Construction, Operation and Maintenance	The Town Utility Department handles inspection requirements under a separate ADEQ Permit and has its own requirements for observation and monitoring. Operation and Maintenance of Town Utilities is outsourced and under the daily management of the Town’s Utility Department.	Utility Department
Recreational Lands and Facilities	If any inspections uncover deficiencies, the Parks and Recreation Department will determine the extent of improvements and perform the maintenance. Assistance from the Public Works Department and/or Engineering may be utilized depending on the nature and severity of the issue. A follow up inspection may be required to verify the original issue has been resolved.	Parks and Recreation/Public Works/Engineering
Special Events	If an inspection of a special event determines that improvement to its BMP’s are required, corrections will be made immediately and a subsequent inspection will be performed to verify original issues have been resolved.	Public Works/Police Department/Facilities/Parks and Recreation
Storm Drain Network System Operations and Maintenance	If any inspections uncover deficiencies, the Public Works and Engineering Departments will determine the extent of improvements and perform the maintenance. Assistance from the Parks and Recreation Department and/or Utilities Department may be utilized depending on the nature and severity of the issue. The Utilities Department can deploy a Vactor Truck capable of vacuuming or water jetting clogged or compromised drainage pipes. Sedimentation cleanup and transport for disposal is conducted by the Public Works Department. A follow up inspection may be required to verify the original issue has been resolved.	Public Works/Parks and Recreation/Utility Department
Streets	If any inspections uncover deficiencies, the Public Works Department will determine the extent of improvements and perform the maintenance. Assistance from the Parks and Recreation Department and/or Engineering may be utilized depending on the nature and severity of the issue. The Town outsources sweeping activities. A follow up inspection may be required to verify the original issue has been resolved.	Public Works/Parks and Recreation/Engineering

Enforcement Plan	Summary	Responsible Department
Fleet Services	If any inspections uncover deficiencies, the Public Works Department will determine the extent of improvements and perform the maintenance. Assistance from the Parks and Recreation Department and/or Engineering may be utilized depending on the nature and severity of the issue. A follow up inspection may be required to verify the original issue has been resolved.	Public Works/Parks and Recreation/Engineering
Residential Areas	If any inspections uncover deficiencies within Right of Way areas, the Public Works Department will determine the extent of improvements and perform the maintenance. Assistance from other Departments and/or Engineering may be utilized depending on the nature and severity of the issue. A follow up inspection may be required to verify the original issue has been resolved. Some HOA's have responsibility for operation and maintenance of stormdrain networks. The Town utilizes code enforcement, Request for Service hotline, Public Works and the Engineering Department to inspect and monitor operation and maintenance of HOA controlled facilities. Private property areas are under the Building Department and Code Enforcement Departments and will utilize the Engineering Department to assist with enforcement. An educational component of the residential program is intended to make residents aware of BMP requirements or how to spot illicit discharges.	Town Building Official/Code Enforcement/ Public Works/Engineering