



Your Inspection and You

A brief guide on working with your regulators to protect public health
& the environment and foster collaborative relationships

Katherine Phillips
Solid Waste Inspector and Compliance Officer
March 5, 2020
EPAZ Conference



- Introduction
- ADEQ Background
- Inspections 101
 - Pre-Inspection
 - Field Time
 - Post-Inspection
- Enforcement
 - Informal vs Formal Enforcement
 - Enforcement Escalation
- Conclusion & Questions



Katherine Phillips

Education and Professional Background

- Bachelor of Science in Sustainable Ecosystems
- Master of Sustainable Solutions
- City of Tempe Environmental Services
- Water Infrastructure Finance Authority
- Solid Waste Inspector & Compliance Officer

Contact Information:

phillips.katherine@azdeq.gov

Office: (602) 771 - 4183

Cell: (602) 509 - 1172

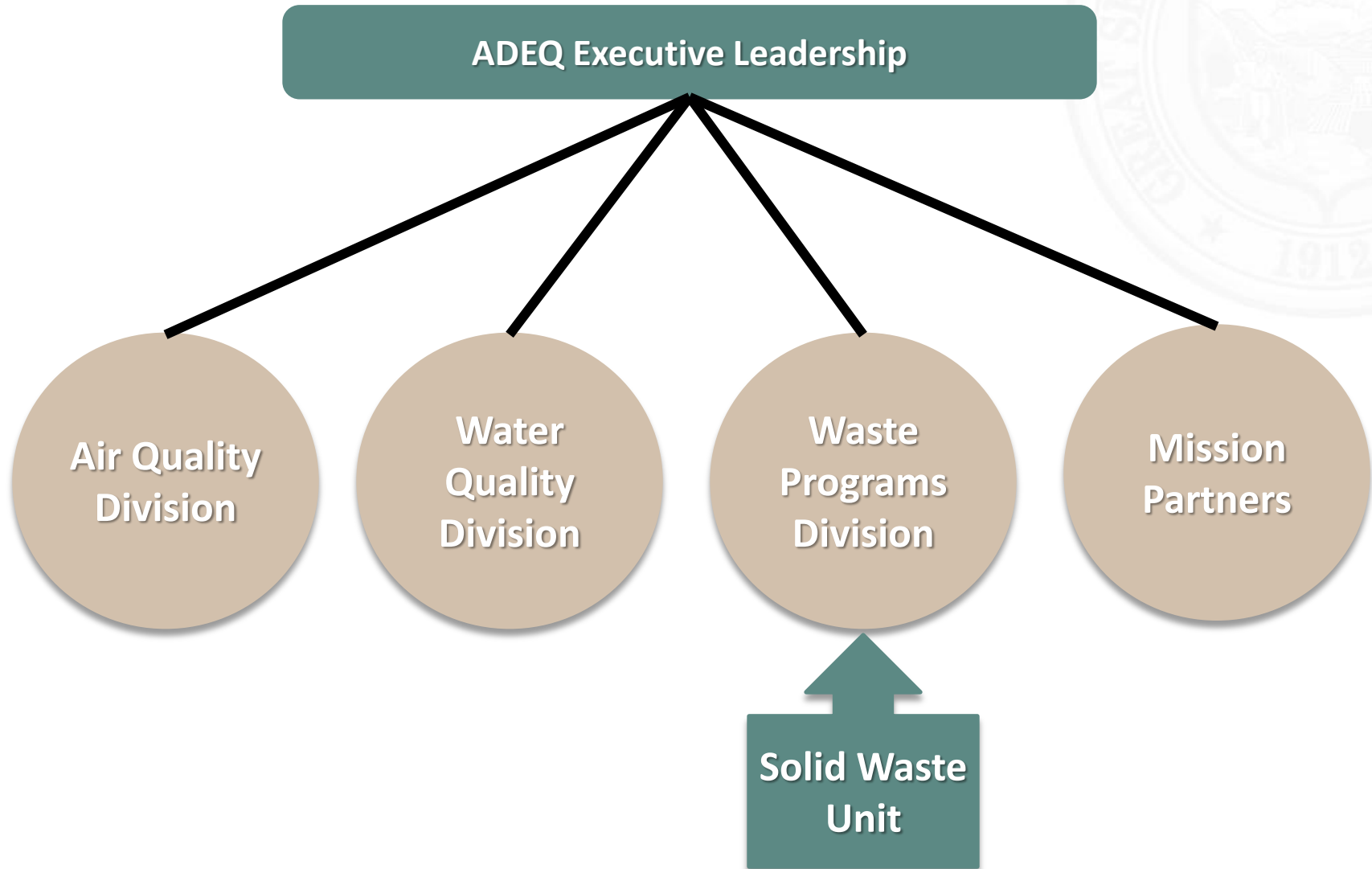




ADEQ MISSION

Our Mission

Our mission is to protect and enhance public health and the environment in Arizona. To achieve this, we administer the state's environmental laws and delegated federal programs to prevent air, water and land pollution and ensure cleanup.



Agency Overview

As an environmental agency, we help businesses understand and comply with environmental regulatory requirements and promote positive environmental practices.

ADEQ focuses on two measurements to evaluate success with this goal¹:

1. Decrease return to compliance timeframe by 50% over 5 years.
2. Increase the number of facilities in compliance at the time of inspection by 50% over 5 years.



¹ADEQ Compliance and Enforcement Handbook

Compliance actions *can* start with a **field inspection**, a **file review**, or a **complaint**.

ADEQ can take informal or formal action against a facility and its owner if deficiencies are found during an inspection.

Informal Enforcement	Formal Enforcement
Notice of Opportunity to Correct Deficiencies (NOC)	Consent Order
Notice of Violation (NOV)	Compliance or Abatement Order

Advocate for solid waste reduction, reuse,
and recycling

Issue Permits

Provide compliance assistance

Conduct inspections

Provide corrective action





Pre Inspection

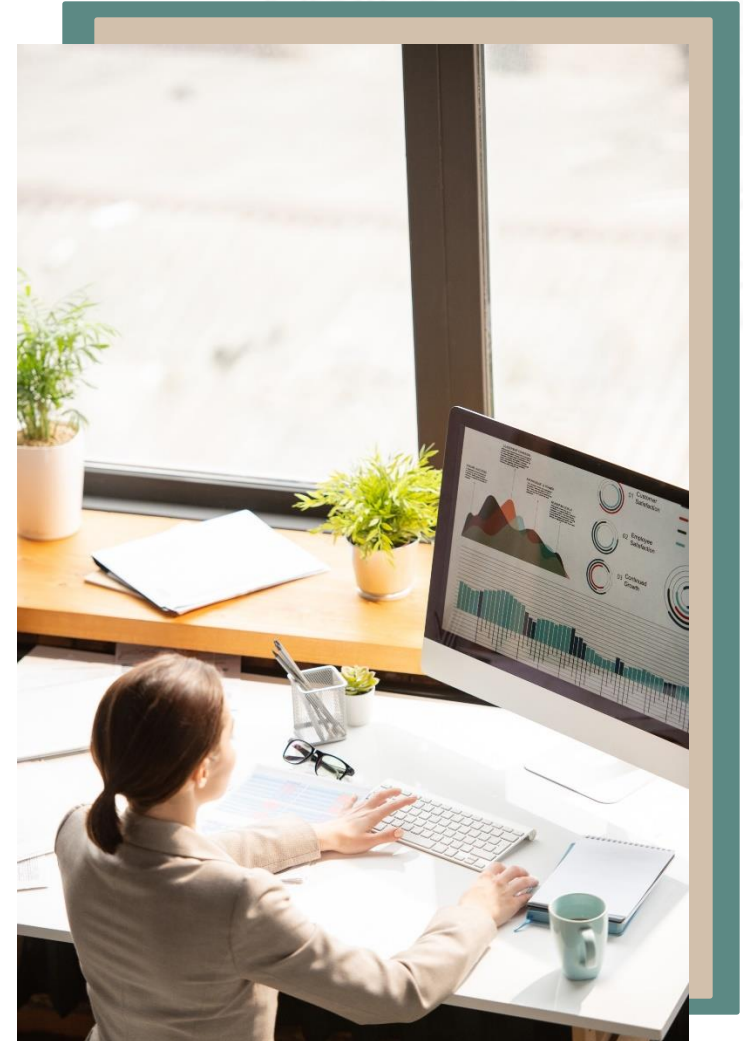
Inspector Goal:

To understand the **compliance history** of a facility, prepare **necessary equipment and documents**, and contact the Responsible Party (RP) with **the Pre-Inspection Notification**.

Customer Goal:

To understand the **expectations of the inspector**, review the **Pre-Inspection Notification**, and gather any and all **necessary documentation**.

- To understand a facility's compliance history.
- Obtain a facility's Responsible Party (RP) contact information.
- Prepare documents and materials required for inspection.
- Schedule inspection.



Anatomy of an Inspection Report

Facility & Company Information

- Verify the physical and mailing address.
- Verify the on-site contact for inspections.
- Verify a phone number and email address.



Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera
Director

Solid Waste Field Inspection Report

Company Name: Stark Industries	Inspection Report ID No.: 33333
Facility Name: Tony Stark's Lab Facility ID No.: 12345 Responsible Party ID No.: 6789	Inspector(s): Katherine Phillips
County: Maricopa	Arrival Date: 1/27/2020
Physical Location: 123 W Avenger Avenue, Phoenix, AZ 85251	Reason for Inspection: <input checked="" type="checkbox"/> Routine Inspection <input type="checkbox"/> Follow-Up <input type="checkbox"/> Complaint Complaint No.: <input type="checkbox"/> Other:
Mailing Address: 555 E Pepper Potts Street, Tempe, AZ 85282	
Onsite Contact Person/Title: Tony Stark, Iron Man	
Onsite Contact Person's Phone No.: (555) 555-5555	
Onsite Contact Person's E-Mail: tonystark@starkindustries.com	Place Type: Waste Tire Collection Site/Outdoor Used Tire Site
Inspection Report Issued: Choose an item.	Facility Initial: ADEQ Initial:
Results of Inspection: <input type="checkbox"/> No deficiencies were noted during the course of the inspection. No ADEQ action will result from this inspection <input type="checkbox"/> Follow-up action is needed; please submit the requested documentation, which is detailed on the Choose an item. <input type="checkbox"/> Potential deficiencies were noted during the course of the inspection. Additional correspondence regarding this inspection may be forthcoming.	
Summary of Inspection: Click here to enter text.	
Attachments: Notice of Inspection Rights Small Business Bill of Rights Waste Tire Collection Site/Outdoor Used Tire Site Photograph Log	

Anatomy of an Inspection Report

Inspection Information

- Inspection Report ID generated by ADEQ.
- Inspectors scheduled to lead the inspection.
- Reason for the inspection.
- Place Type reflects the type of facility.



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Anatomy of an Inspection Report

Results of Inspection

- RP and Inspector both initial the cover page during the inspection.
- Inspection Reports can be issued via email, mail, or hand delivery.
- Results of the Inspection are always included up-front.
- Summary of Inspection is a narrative summary of the inspection process.



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Anatomy of an Inspection Report



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY NOTICE OF INSPECTION RIGHTS

FACILITY INFORMATION	ADEQ INFORMATION
Facility Name (Customer): Tony Stark's Lab	Date of Inspection: 1/27/2020
Facility Location (Place): 123 W Avenger Avenue, Phoenix, AZ 85251	County: Maricopa
	Inspector: Katherine Phillips
Mailing Address: 555 E Pepper Potts Street, Tempe, AZ 85282	Telephone:
	Accompanied by:
Responsible Party: 6789	
On-Site Representative: Tony Stark	ADEQ Follow-up Contact: /Additional Contact: Michelle Ogburn, Waste Inspections and Compliance Unit
Title: Iron Man	Title: Manager
Telephone: (555) 555-5555	Telephone: (602) 771-6623
Email: tonystark@starkindustries.com	

The ADEQ representative(s) identified above were present at the above address on the above listed date and time. Upon entry to the premises, the ADEQ representative(s) met with me, presented photo identification indicating that they are ADEQ employees and explained:

That the purpose of the inspection is to determine:

- ☐ Compliance with Title 49 of the Arizona Revised Statutes, Title 18 of the Arizona Administrative Code* and/or:
Arizona Revised Statutes: Title 44, Chapter 9 & Title 49, Chapter 4
Arizona Administrative Code: Title 18, Chapter 13
Permit/Agreement Number:
- ☐ Qualification for a license issued pursuant to:
Arizona Revised Statutes: Title 44, Chapter 9 & Title 49, Chapter 4
Arizona Administrative Code: Title 18, Chapter 13
- ☐ That this inspection is conducted pursuant to the authority granted in Arizona Revised Statutes § 49-104(B)(8) and/or:
Arizona Revised Statutes: Title 49, Chapter 1 & Title 49, Chapter 4
Arizona Administrative Code: Title 18, Chapter 13
Permit/Agreement Number:
- ☐ That the state shall not be barred by the statutes of limitations of actions, according to A.R.S. § 12-510, except as provided in A.R.S. § 12-529 concerning certain claims based on navigability of watercourses. According to 28 U.S.C. § 2462, the U.S. government must commence an action within 5 years after the date the claim first accrued.
- ☐ Possible applicability of Small Business Bill of Rights pursuant to Arizona Revised Statutes § 41-1001(21)

That the fee for this inspection is: No fee for the inspection

*The Arizona Revised Statutes (A.R.S.) can be found on the internet: www.azleg.state.az.us/ArizonaRevisedStatutes.asp while the Arizona Administrative Code (A.A.C.) can be found at www.azsosaz.gov/public_services/Table_of_Contents.htm

While I have the right to refuse to sign this form, the ADEQ representatives may still proceed with the inspection.

☐ I have read this notice and discussed any questions or concerns with the ADEQ representatives and I have received the Small Business Bill of Rights

Signature of Regulated Person or Authorized On-Site Representative

1/27/2020
Date

☐ The regulated person or authorized on-site representative refused to sign.

Iron Man
Name of Regulated Person or Authorized On-Site Representative

Title

☐ The regulated person or an authorized on-site representative was not present at the facility.

1/27/2020
Date

Signature of ADEQ Representative

Inspection Rights

☐ I understand that I can accompany the ADEQ representative(s) on the premises, except during confidential interviews

☐ I understand that I have right to, on request:

- Copies of any original documents taken during the inspection, and that ADEQ will provide copies of those documents at ADEQ's expense;
- A split of any samples taken during the inspection, if the split of the samples would not prohibit an analysis from being conducted or render an analysis inconclusive;
- Copies of any analysis performed on samples taken during the inspection and that ADEQ would provide copies of this analysis at ADEQ's expense;
- Copies of any documents to be relied on to determine compliance with licensure or regulatory requirements if the agency is otherwise permitted by law to do so.

☐ I also understand that:

- Each person who is interviewed by an ADEQ inspector during the inspection must be informed that:
 - 1) Participation in an interview is voluntary, unless legally compelled to participate;
 - 2) They have the right to have an attorney or other experts in their field present during the interview to represent or advise the regulated person;
 - 3) The ADEQ inspector may not take any adverse action or treat less favorably or draw any inference as a result of the regulated person's decision to be represented by an attorney or advised by any other experts in their field;
 - 4) Statements made by the person may be included in the inspection report; and
 - 5) They have the right to 24 hours to review and revise any written witness statement drafted by the ADEQ inspector on which the ADEQ inspector requests that person's signature.
- If the information and documents provided to the ADEQ inspector become a public record, trade secrets and proprietary and confidential information may be redacted, unless the information and documents are not confidential pursuant to statute.
- Each person interviewed during the inspection must be informed that statements made by the person may be included in the inspection report;
- Each person whose conversation is tape recorded during the inspection must be informed that the conversation is being tape recorded;
- If an administrative order is issued or a permit decision is made based on the results of the inspection, I have the right to appeal that administrative order or permit decision. I understand that my administrative hearing rights are set forth in Arizona Revised Statutes § 41-1092 et seq. and my rights relating to an appeal of a final agency decision are found in Arizona Revised Statutes § 12-901 et seq.;
- If I have any questions or concerns about this inspection, I may contact the person listed as the ADEQ Follow-up Contact on the front of this form; ADEQ's Ombudsman at (602) 771-4322 (toll free inside Arizona at (800) 234-5677, extension, 771-4322); or the Arizona Ombudsman-Citizens' Aid office at (602) 277-7292 (toll free at (800) 872-2879);

If I have any questions concerning my rights to appeal an administrative order or permit decision, I may contact ADEQ's Office of Administrative Counsel at (602) 771-2212 (toll free inside Arizona at (800) 234-5677, extension 771-2212).

Anatomy of an Inspection



Waste Programs Division, Solid and Hazardous Waste Section
Solid Waste Unit
1110 West Washington Street, Phoenix, Arizona 85007
(602) 771-4673 (800) 234-5677 ext. 771-4673

Waste Tire Collection Site (WTCS) and Outdoor Used Tire Site (OUTS) Inspection Report

Facility Name:		Hours of Operation:	
Inspection Type:	<input type="checkbox"/> WTCS <input type="checkbox"/> WTCS at Landfill <input type="checkbox"/> WTCS at Processing Facility <input type="checkbox"/> Unregistered WTCS <input type="checkbox"/> OUTS		
Tire Types:	<input type="checkbox"/> Car / Light Truck <input type="checkbox"/> Large Truck <input type="checkbox"/> Off-Road <input type="checkbox"/> Other:		
Records Review: ARS § 49-762.07(F) (3) ET. AL			
1	Is the site funded through the state tire grant program?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
2	Is this a County designated WTCS established pursuant to A.R.S. § 44-1304(B)?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
2a	• If yes, for County WTCS is a manifest system used?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
3	Is there a fee for disposal?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
3a	• If yes, how much is the fee?		
4	Is a daily log, tires received/shipped, kept and up to date?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
Facility Operations: ARS § 44-1303 & § 44-1304.01			
5	Is access restricted?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
6	Is there a gate attendant present?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
7	Does the site store more than 100 used tires?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
7a	• If yes, is the facility registered?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
8	Does the site store more than 500 waste tires?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
9	Are directions given to customers?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
10	Is ponding present?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
11	Is drainage directed away from tires?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
12	Is the size of the tire piles within 150'x50'x20'?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
13	Are tires stored a minimum of 3 feet from any property line?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
14	If used/waste tires stored between 3 and 10 feet of the property line, is the height exceeding 6 feet?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
15	Are access routes between and around tire piles at least twenty feet wide?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
16	Are access routes between and around tire piles maintained free of rubbish, debris/litter, equipment, and other materials?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
17	Is there vegetation or flammables in tire storage area?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
18	Are no smoking signs posted in suitable and conspicuous locations at the WTCS?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
19	Are Class "2A 10BC" type fire extinguishers placed at well-marked points throughout the storage area so that the travel distance from any point in the storage area to a fire extinguisher is not more than seventy five feet?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
20	Are electrical wires, fixtures, or appliances in compliance with the national electric code?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
21	Are permitted smoking areas in excess of 50 feet from tire storage?	Y: <input type="checkbox"/> N: <input type="checkbox"/>	
Total Inventory at the time of Inspection:			

Pre-Inspection Notification

ADEQ Solid Waste Inspection | Tony Stark's Lab



Solid Waste

Dear **Tony Stark**,

As a courtesy, you are being informed that ADEQ will be conducting a routine inspection of **Tony Stark's Lab** located at **123 W. Avenger Avenue, Phoenix, AZ 85251**. Attached in this email, you will find the Inspection Checklist for **Waste Tire Collection Site/Outdoor Used Tire Site** which will be used during this inspection. You are encouraged to review these checklists so you are aware of the areas that will be inspected. For more information, please refer to our [ADEQ Waste Programs Website](#).

A confirmation receipt of this email would be greatly appreciated. In the meantime, please do not hesitate to contact me if you have any questions or concerns. We look forward to meeting you. Have a wonderful day!

[Solid Waste Program](#)

[Solid/Haz Waste
Events and Meetings](#)

[Composting](#)

[azdeq.gov](#)



Review Checklist provided in pre-notification



Conduct a facility walkthrough to understand your status



Contact inspector with **any** questions

A person wearing a blue long-sleeved shirt and a yellow hard hat is seen from the back, looking towards a building under construction. The background is slightly blurred, showing the structure of the building and some greenery.

Day of Inspection

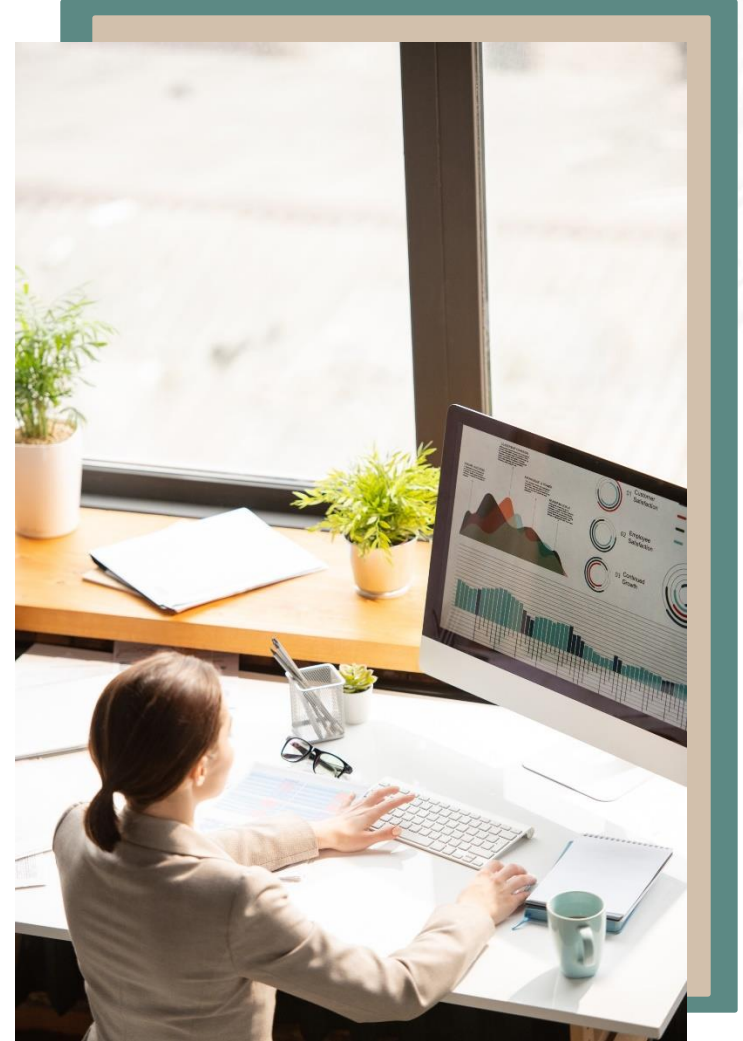
Inspector Goal:

To understand the **current state** of a facility, conduct a **visual inspection** and **document** review, and provide **compliance assistance**.

Customer Goal:

To **be available** for the inspector, provide **necessary documentation**, and work with ADEQ to resolve any **potential deficiencies**.

- Conduct a safe and efficient inspection.
- To understand a facility's current compliance status.
- Verify RP information is correct and up-to-date.
- Document any potential deficiencies.



What will the Inspector do?

- Present ADEQ photo identification
- Review and complete the Notice of Inspection Rights (NOIR) form with the on-site representative.
- Obtain the on-site representative's signature on the NOIR.
 - (1) If the **on-site representative refuses to sign but will allow the inspection to continue**, this decision is noted on the form.
 - (2) If the **on-site representative refuses entry**, the inspector will vacate to a public ROW and will contact their supervisor for next steps.
 - (3) If **no one is present on-site**, the inspector may proceed with inspection if it is determined to be safe and reasonable.
- Begin interview and documentation review



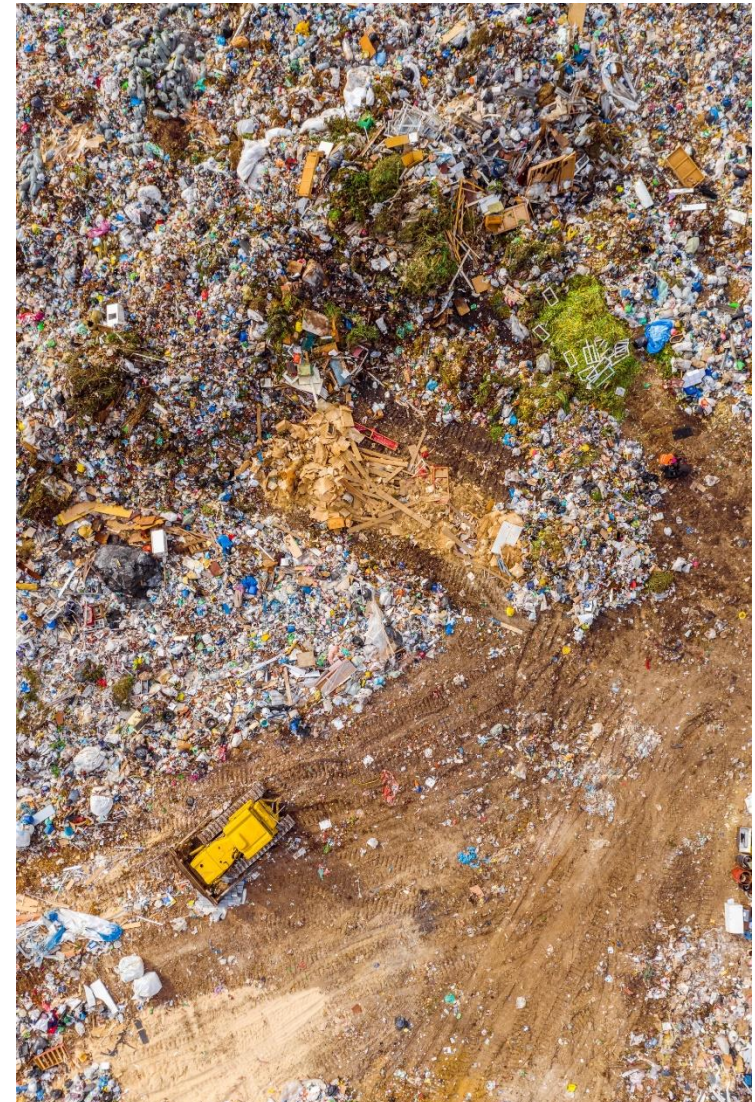


What should the customer do?

- Have an on-site representative available to meet the inspector.
- Review any safety requirements of your facility with the inspector.
 - All inspectors have their own set of Personal Protective Equipment (PPE). Please inform the inspector of any required and/or recommended PPE.
- Have any necessary documentation available for review.
- Ask questions!

What is a visual inspection?

- A walkthrough of the facility, usually accompanied by the on-site representative.
- The inspector will follow a relevant checklist for permitted entities, if applicable.
- The customer should feel free to ask questions during the process.
- The inspector will identify any potential deficiencies.



What will the Inspector do?

- Review any potential deficiencies.
- Field issue the inspection report via email, if possible.
 - Any potential deficiencies will be documented in the inspection report. **The inspector will also document any deficiencies that were corrected by the end of the inspection.**
- Field issue an Exit Debriefing or Notice of Opportunity to Correct Deficiencies (NOC), if applicable.





What should the customer do?

- Have an on-site representative and official representative available to meet the inspector, if possible.
- Correct any deficiencies that can be addressed before the end of the inspection, if possible.
- **Ask questions** about potential deficiencies to ensure complete understanding of the corrective actions needed.



Post Inspection

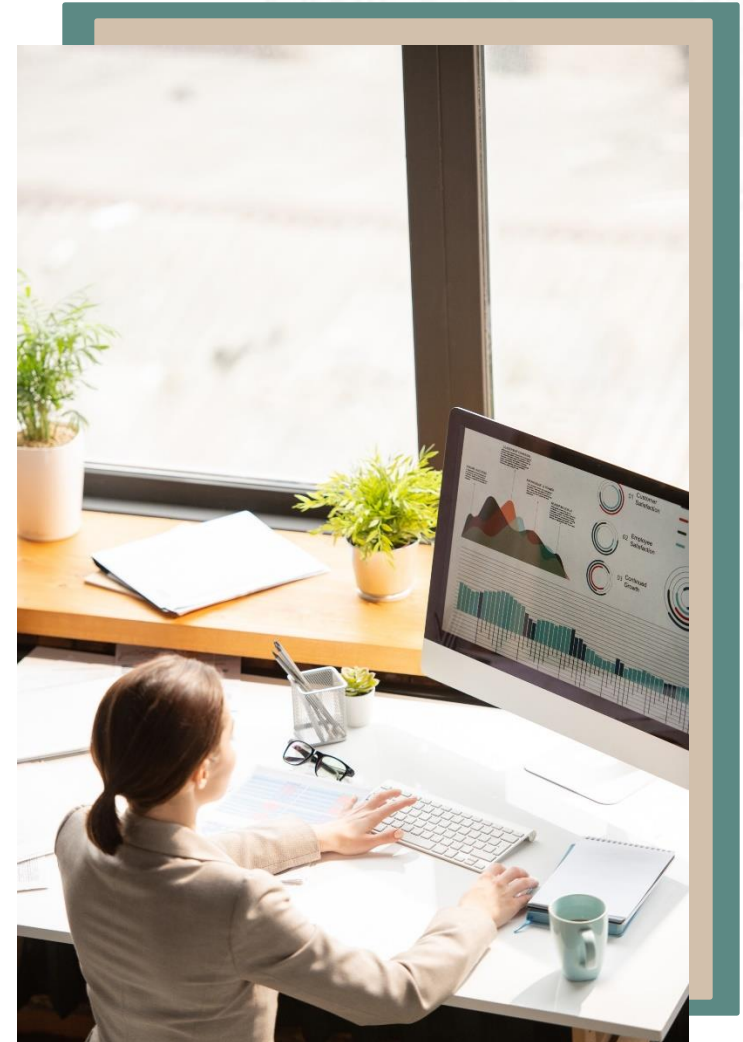
Inspector Goal:

To provide the **inspection report**, determine **level of enforcement** (if any), and **update** facility record.

Customer Goal:

To **review** the inspection report and work with ADEQ to resolve any **potential deficiencies**.

- Provide all necessary documentation to RP.
- Work with facilities to address any documented deficiencies.
- Update facility record, if applicable.
- Review potential enforcement.



Enforcement Action Matrix

The enforcement action matrix is designed to be used as a tool and not intended as strict protocol. ADEQ's goal is to list all deficiencies on one notice, whether that is an NOC or an NOV. **The highest level of violation dictates the type of informal enforcement to be issued.**

No Enforcement

- No risk to the environment or public health.
- Facility is in compliance at the time of inspection.

Yellow Enforcement

- Lowest environmental or human health risk.
- NOC is usually field issued.
- Unit managers approve office-issued NOCs.

Orange Enforcement

- Moderate environmental or human health risk.
- Discretionary on issuing NOC or NOV.
- Section Manager must be consulted.

Red Enforcement

- Most severe environmental or human health risk.
- NOV recommended.
- Division Director must approve.

Notice of Opportunity to Correct Deficiencies

What is an NOC?



- Describes the facts known to ADEQ at the time the NOC is issued.
- Cites the laws or rules that ADEQ relies on for the alleged noncompliance.
- Provides the RP an opportunity to resolve the violation(s) or deficiency(ies) on its own, for no more than 180 calendar days.

 Douglas A. Ducey Governor	ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY	 Miguel Cabrera Director
Follow-Up ADEQ Contact Information 1110 West Washington Street, Phoenix, AZ 85007 Follow-Up Contact: Tony Stark E-Mail Address: tonystark@starkindustries.com Phone Number: (555) 555-5555		Facility Information EPA ID#: N/A Facility Name: Tony Stark's Lab Address: 123 W Avenger Avenue City: Phoenix Zip: 85251
NOTICE OF OPPORTUNITY TO CORRECT DEFICIENCIES		
<p>The Arizona Department of Environmental Quality (ADEQ) has reason to believe that the above referenced facility has failed to meet a requirement for the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit license, as listed below.</p> <p>The purpose of this document is to provide notice that ADEQ believes a violation of an environmental requirement has occurred. Additionally, it provides opportunity to: (1) request a meeting with ADEQ and discuss the facts surrounding the violation; (2) demonstrate to ADEQ that no violations have occurred; or (3) document that the violations have been corrected.</p>		
VIOLATION LIST		Report Pg
<ol style="list-style-type: none">1. A.R.S. §44-1304.01(A)(5) - Storage of used waste tires outdoors within fifty feet of any area in which smoking of tobacco or any other substance is permitted.2. A.R.S. §44-1304.01(A)(7) - Storage of used waste tires without placing class (2A-10BC) type fire extinguishers at <u>wall marked</u> points throughout the storage area so that the travel distance from any point in the storage area to a fire extinguisher is not more than seventy-five feet.3.		
If you have questions about the violations alleged above please refer to the attached Inspection Report or contact the ADEQ contact listed above for more information, or to request a meeting.		
SUBMITTING COMPLIANCE DOCUMENTATION		
<p>Within # calendar days of the date of this notice; please submit documentation to the ADEQ contact above demonstrating that no violation has occurred or documentation that the alleged deficiency has been corrected. Acceptable documentation includes, but is not limited to photographs, receipts, standard operating procedures, and/or relevant logs.</p> <p>Once ADEQ has received the requested documentation, the case will be closed and a letter will be issued stating that the agency will take no further action as a result of this inspection.</p>		
Acknowledgement of Receipt		
Signature of ADEQ Representative:		Date: 1/27/2020
Signature of Facility Representative:		Date: 1/27/2020

Notice of Opportunity to Correct Deficiencies

What is on an NOC?

- Facility information
- Alleged violations
- Timeline for submitting compliance documentation.
- Signatures

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY	
 Douglas A. Ducey Governor	 Misael Cabrera Director
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Acknowledgement of Receipt	
Signature of ADEQ Representative:	Date: 1/27/2020
Signature of Facility Representative:	Date: 1/27/2020

Notice of Opportunity to Correct Deficiencies

What is on an NOC?

- Compliance conditions for alleged violations.
- These are standardized and linked to specific violations.
- Provides the exact documentation needed to return to compliance.



COMPLIANCE CONDITIONS

1. Provide documentation that (No smoking) signs are posted in suitable and conspicuous locations prohibiting smoking within fifty feet of the used/waste tire pile. Alternatively, provide documentation that the used/waste tires were removed from the property and disposed at an approved Waste Tire Collection Site. Documentation shall include photographs of the used/waste tire removal, as well as, receipts for the disposal of the used/waste tires.
2. Provide documentation that sufficient class (2A-10BC) type fire extinguishers are placed at well marked points throughout the used/waste tire storage area so that the travel distance from any point in the storage area to a fire extinguisher is not more than seventy-five feet. Alternatively, provide documentation that the used/waste tires were removed from the property and disposed at an approved Waste Tire Collection Site.
- 3.

Notice of Opportunity to Correct Deficiencies

NOC Closure

- If the violation is corrected within the time allowed by the NOC, the inspector closes the NOC case.
 - ADEQ issues a closure letter to the RP.
- After the first instance of a missed compliance deadline, the program will refer to the Community Liaison.
 - The Community Liaison exists to work with facilities to resolve the NOC conditions.
 - This relieves case load on the inspector and provides a one-on-one contact for the customer.

 Douglas A. Ducey Governor	ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY	 Misael Cabrera Director			
Follow-Up ADEQ Contact Information 1110 West Washington Street, Phoenix, AZ 85007 Follow-Up Contact: Tony Stark E-Mail Address: tonystark@starkindustries.com Phone Number: (555) 555-5555			Facility Information EPA ID#: N/A Facility Name: Tony Stark's Lab Address: 123 W Avenger Avenue City: Phoenix Zip: 85251		
NOTICE OF OPPORTUNITY TO CORRECT DEFICIENCIES					
The Arizona Department of Environmental Quality (ADEQ) has reason to believe that the above referenced facility has failed to meet a requirement for the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit license, as listed below.					
The purpose of this document is to provide notice that ADEQ believes a violation of an environmental requirement has occurred. Additionally, it provides opportunity to: (1) request a meeting with ADEQ and discuss the facts surrounding the violation; (2) demonstrate to ADEQ that no violations have occurred; or (3) document that the violations have been corrected.					
VIOLATION LIST					Report Pg.
1. A.R.S. §44-1304.01(A)(5) - Storage of used waste tires outdoors within fifty feet of any area in which smoking of tobacco or any other substance is permitted.					
2. A.R.S. §44-1304.01(A)(7) - Storage of used waste tires without placing class (2A-10BC) type fire extinguishers at <u>wall marked</u> points throughout the storage area so that the travel distance from any point in the storage area to a fire extinguisher is not more than seventy-five feet.					
3.					
If you have questions about the violations alleged above please refer to the attached Inspection Report or contact the ADEQ contact listed above for more information, or to request a meeting.					
SUBMITTING COMPLIANCE DOCUMENTATION					
Within # calendar days of the date of this notice, please submit documentation to the ADEQ contact above demonstrating that no violation has occurred or documentation that the alleged deficiency has been corrected. Acceptable documentation includes, but is not limited to photographs, receipts, standard operating procedures, and/or relevant logs.					
Once ADEQ has received the requested documentation, the case will be closed and a letter will be issued stating that the agency will take no further action as a result of this inspection.					
Acknowledgement of Receipt					
Signature of ADEQ Representative:			Date:		1/27/2020
Signature of Facility Representative:			Date:		1/27/2020

What is an NOV?

- Describes the facts known to ADEQ at the time the NOV is issued.
- Cites the laws or rules that ADEQ relies on for the alleged noncompliance.
- Provides the RP an opportunity to do any of the following actions before ADEQ takes formal enforcement action:
 - **Meet with ADEQ** and discuss the facts surrounding the violation,
 - **Demonstrate to ADEQ that no violation has occurred**, or,
 - Document that the **violation has been corrected**.



NOV Procedure

- All NOVs are office-issued, unless prior Director authorization.
- All NOVs are reviewed by unit managers, section managers, and division directors prior to issuance.
- If the violation is not corrected within the timeframe allowed by the NOV, the program will initiate formal enforcement.
 - Consent Order or Compliance Order



NOV Closure

- If the violation is resolved within the time allowed by the NOV, ADEQ can issue a closure letter and either:
 - **Forgo initiating formal enforcement** (including seeking civil penalties) or,
 - **Explicitly reserve the right to seek civil penalty**, or seek a civil penalty regardless whether the RP achieves or demonstrates compliance.



Escalated Enforcement

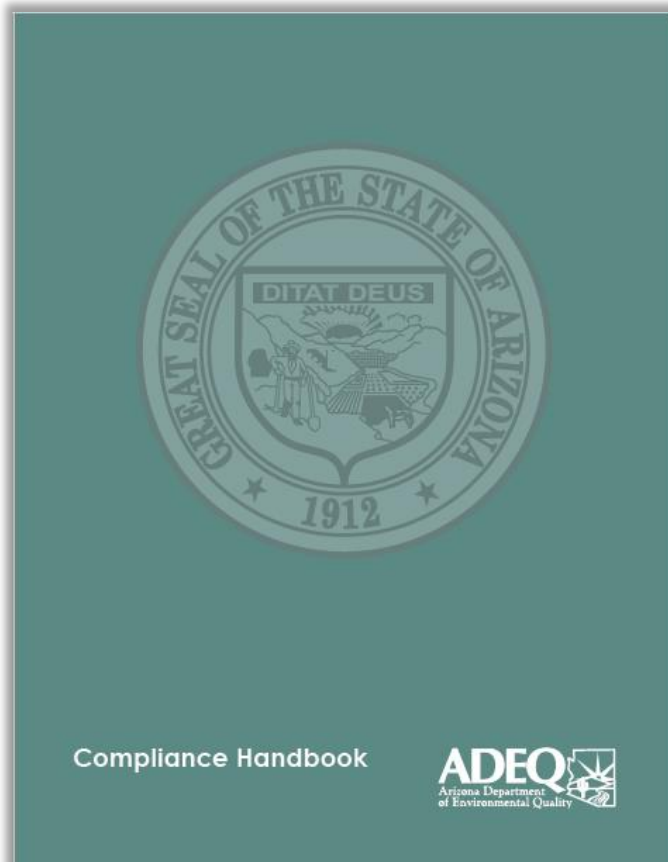


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For more information about escalated enforcement or informal enforcement procedures, please refer to the ADEQ Compliance Handbook.

www.azdeq.gov/compliance_assistance

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 - Pre-Inspection
 - Field Time
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 - Informal vs Formal Enforcement
 - Enforcement Escalation
- Conclusion & Questions



Questions?

Katherine Phillips

phillips.katherine@azdeq.gov

Office: (602) 771 – 4183

Cell: (602) 509 – 1172

