



City of Phoenix Aviation Department Rules & Regulations

Number: R&R 01-02

Authority: **This Rule and regulation is promulgated pursuant to Phoenix City Code Chapter IV, Article IV, Sections 4-12; 4-109; 4-116.**

The Environmental Protection Agency (EPA) has developed a National program to regulate storm water quality runoff from industrial and urban settings, protecting streams, rivers and lakes fed by these sources.

The EPA has issued a (NPDES) Permit to the City of Phoenix (as a municipality) and to the Phoenix airports (as an industrial source) imposing certain obligations and responsibilities. Airports and associated airline, fueling and FBO activities are specifically required by Federal law to obtain this permit and take certain actions to curtail runoff pollution from these activities. The airports' permits regulate the City's Aviation Department, its tenants and permittees (see the "Multi-Sector General Permit for Industrial Activities, National Pollutant Discharge Elimination Program (NPDES)", dated October 30, 2000, *Federal Register* Vol. 65, No. 210.)

Likewise, the City of Phoenix has the authority to regulate the use of the public storm drainage system. Phoenix City Code Chapter 32C was adopted to reduce to the maximum extent practicable the addition of pollutants such as fuels, chemicals and debris to storm water runoff to prevent violations of the City's NPDES permit or applicable water quality standards.

Phoenix City Code Section 4-109 requires any person who spills or otherwise releases a pollutant on airport property, including disposal of pre-flight check sump fuel on the ramp, to immediately remove the pollutant. Section 4-12 confers ultimate responsibility for all damages to airport property upon an airport tenant, whether caused by the tenant's employees or its contractors.

Rules and Regulations:

Storm Water Enforcement

This Rule explains the possible actions that the City of Phoenix Aviation Department may use to prevent pollution of the Waters of the United States (more specifically the Salt River, Agua Fria tributaries, or Cave Creek drainage) through the municipal storm drain system that provides surface drainage on the three City of Phoenix Airports. The Aviation Department believes that a policy specific for its airports will better ensure that all enforcement actions will be handled with fairness and with consideration for airport operations.



City of Phoenix Aviation Department Rules & Regulations

Initial Self-Reporting Policy/Tenant Responsibility

All tenants and permittees (collectively "tenants") shall report spills, releases and discharges of pollutants, or releases threatening to enter the storm drain system immediately to the Aviation Department. All releases of pollutants must be contained and removed by the tenant or upon request by the City of Phoenix Aviation Department Facilities and Services Division. All costs incurred to the Aviation Department due to the clean up of a tenant-related spill will be forwarded to the responsible tenant. Airport tenants who self-report and respond to such situations demonstrate good faith efforts to comply with this policy, and such action will be considered as a mitigating factor in any enforcement process. Generally, the Aviation Department will not initiate formal enforcement action on a self-reported, unavoidable discharge under circumstances when it is unreasonable to prevent such discharge if the discharge amount is minimal and poses no risk to human health or the environment. Improper disposal of pre-flight check sump fuel on to the ramp is cause for enforcement.

Enforcement Criteria

When a violation of the City Storm Water Ordinance (Chapter 32C) or other applicable environmental regulation is identified, enforcement actions can be taken. The enforcement action (including the amount of any monetary penalties) will depend upon several factors:

1. Severity of the violation; the duration, quality and quantity of pollutants; and effect on public safety and the environment.
2. The violator's knowledge (either negligent or intentional) of the regulation being violated.
3. Any history of violations, including enforcement actions involving the site, business, or individual.
4. The effect of the enforcement action to act as a deterrent of similar violations in the regulated community.

Levels of Enforcement

Several levels of enforcement actions are available to the City. The typical types of enforcement actions are listed below in increasing order of severity.

Informal Enforcement Actions

Each violation will be documented with a written Notice of Violation (NOV) issued by on-site airport personnel. The NOV will require the violating facility to report the incident to the Aviation Environmental Section at (602) 273-8861 within 24 hours of receipt of the NOV. Weekend reporting can be left on the Aviation Department answering machine at the same phone number.

