

CHAPTER 25 – WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-160. Administrative hearing.

The director may order any user who causes or allows an unauthorized discharge to enter the POTW to appear and show cause on why the user's wastewater contribution permit or any other permit issued by director should not be revoked. A notice shall be served upon the user in any manner calculated to provide reasonable notice specifying the time and place of a hearing to be held by the director regarding the violation and why the permit should not be revoked. Service may be made in any manner permitted under Rule 4, Arizona Rules of Civil Procedure, except publication.

The director shall conduct the hearing and may:

(a) Hear and consider all relevant and probative evidence, regardless of whether such evidence is admissible under the Arizona Rules of Evidence.

(b) Issue subpoenas, compel the testimony of witnesses and production of evidence in the manner provided by A.R.S. §12-2212. Testimony shall be taken under oath and shall be recorded.

(c) Issue an order finding the user responsible for the discharge and ordering that the sewer service be disconnected unless the user complies with the plan issued by the director requiring adequate treatment facilities and devices or that the treatment facilities and devices be operated properly. The director may issue such other orders as he deems necessary to insure that the order and plan be complied with by the user.

(d) Order and assess civil penalties against the user.
(Ord. No. 91-41, 11/12/91, Enacted)