

DATE: August 14, 2018
TO: City of Flagstaff Industrial Pretreatment Customers,
Stormwater Customers, Cross Connection Customers
FROM: Steve Camp, Regulatory Compliance Manager
SUBJECT: **Public Comment Period**
DRAFT - Enforcement Response Plan for Flagstaff Water Services



The City of Flagstaff Water Services is requesting comments on the Enforcement Response Plan (ERP) DRAFT for the cross-connection control, stormwater, and industrial pretreatment programs. The ERP contains detailed procedures indicating how Flagstaff Water Services will investigate and respond to instances of noncompliance in these three programs.

The DRAFT ERP is available at <https://www.flagstaff.az.gov/DocumentCenter/View/58786/>, or by contacting Steve Camp at (928) 213-2475 or scamp@flagstaffaz.gov.

Flagstaff Water Services will consider criteria such as significance, severity, and duration of a violation and the good faith of the operator when determining enforcement. The following is a basic outline of our enforcement process.

Informal Notice

At this stage, issues are not yet considered violations.

- **Inspection Report.** The customer is provided an inspection report after a site visit. This report can include the inspector's comments, suggestions, and educational handouts. If there are no issues found during a site visit, no additional actions will be listed in the report.
- **Warning Letter.** The warning letter can be included with the inspection report or as a follow-up letter addressing minor potential violations within the inspection report, with a timeline for corrective action.

Escalating Enforcement For Instances of Non-Compliance

Flagstaff Water Services will escalate instances of Non-Compliance as follows:

- A **Notice of Violation** with a specified timeframe for corrective action completion.

Should corrective action not occur,

- An **Administrative Order** is issued. For a list of possible actions, see page 7 of the ERP.

Should the violation still not be resolved,

- **Administrative Fines and Civil Penalties** are issued. See page 7 of the ERP.
- **Civil Litigation** is initiated.

In the case of a severe violation or emergency situation, Water Services may initiate any appropriate enforcement action, up to and including a separate lawsuit to correct violations and/or secure penalties. Violation statuses are reviewed at the conclusion of each quarter with a six month look-back period. Violations and their corresponding severity are identified in Table B of the ERP, corresponding to a point system. Administrative fines are assessed when 4 or more points are accrued, as outlined in Chapter IX of the ERP.

PARTIES WISHING TO SUBMIT WRITTEN COMMENTS regarding the DRAFT ERP may send them to Steve Camp, Regulatory Compliance Manager at the following address:

211 W. Aspen Ave., Flagstaff, AZ 86001, OR via email to scamp@flagstaffaz.gov.

Comments must be postmarked or received by Flagstaff Water Services by Friday September 14th, 2018.

Water – Wastewater – Reclaimed Water - Stormwater