

All City Council Meetings are live streamed on the city's YouTube page
(<https://www.youtube.com/@FlagstaffCityGovernment>)

*****PUBLIC COMMENT*****

Verbal public comments not related to items appearing on the posted agenda may be provided during the "Open Call to the Public" at the beginning and end of the meeting and may only be provided in person.

Verbal public comments related to items appearing on the posted agenda may be given in person or online and will be taken at the time the item is discussed.

To provide online verbal comment on an item that appears on the posted agenda, use the link below.

[ONLINE VERBAL PUBLIC COMMENT](#)

Written comments may be submitted to publiccomment@flagstaffaz.gov. All comments submitted via email will be considered written comments and will be documented in the record as such.

1. Call to Order

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this work session, the City Council may vote to go into executive session, which will not be open to the public, for discussion and consultation with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. Roll Call

NOTE: One or more Councilmembers may be in attendance through other technological means.

MAYOR DAGGETT

VICE MAYOR SWEET

COUNCILMEMBER ASLAN

COUNCILMEMBER GARCIA

COUNCILMEMBER HOUSE

COUNCILMEMBER MATTHEWS

COUNCILMEMBER SPENCE

3. Pledge of Allegiance, Mission Statement, and Land Acknowledgement

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life for all.

LAND ACKNOWLEDGEMENT

The Flagstaff City Council humbly acknowledges the ancestral homelands of this area's Indigenous nations and original stewards. These lands, still inhabited by Native descendants, border mountains sacred to Indigenous peoples. We honor them, their legacies, their traditions, and their continued contributions. We celebrate their past, present, and future generations who will forever know this place as home.

4. Open Call to the Public

Open Call to the Public enables the public to address the Council about an item that is not on the prepared agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. Open Call to the Public appears on the agenda twice, at the beginning and at the end. The total time allotted for the first Open Call to the Public is 30 minutes; any additional comments will be held until the second Open Call to the Public.

If you wish to address the Council in person at today's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Open Call to the Public and Public Comment. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

5. PROCLAMATIONS

A. Proclamation: IT Professional's Day

Read and present Proclamation.

6. Review of Draft Agenda for the September 16, 2025 City Council Meeting

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

7. Presentation and Discussion of City-Owned Land for Housing

Staff will provide an overview of City-owned parcels designated to further housing goals, along with recommendations for City Council's consideration, feedback, and direction.

8. Updates to the Flagstaff Water Services Enforcement Response Plan (ERP)

Presentation and Discussion on ERP Changes.

9. County Comprehensive Plan 60 day review

Information only

10. Open Call to the Public

11. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests

12. Adjournment

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on _____, at _____ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk. Dated this _____ day of _____, 2025.

Stacy Saltzburg, MMC, City Clerk

THE CITY OF FLAGSTAFF ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 48-hour advance notice, reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (928) 213-2076 or email at stacy.saltzburg@flagstaffaz.gov to request an accommodation to participate in this public meeting. NOTICE TO PARENTS AND LEGAL GUARDIANS: Parents and legal guardians have the right to consent before the City of Flagstaff makes a video or voice recording of a minor child, pursuant to A.R.S. § 1-602(A)(9). The Flagstaff City Council meetings are live-streamed and recorded and may be viewed on the City of Flagstaff's website. If you permit your child to attend/participate in a televised Council meeting, a recording will be made. You may exercise your right not to consent by not allowing your child to attend/participate in the meeting.

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Jessica Matias, Chief of Staff
Date: 08/06/2025
Meeting Date: 09/09/2025



TITLE:

Proclamation: IT Professional's Day

DESIRED OUTCOME:

Read and present Proclamation.

Executive Summary:

N/A

Information:

N/A

Attachments: [Proclamation](#)

City of Flagstaff – Office of the Mayor

Proclamation

WHEREAS, Information Technology (IT) professionals play a critical role in ensuring the efficient and secure operation of modern government services; and

WHEREAS, the IT professionals of the City of Flagstaff IT Division provide vital support to all City departments by maintaining secure, reliable, and accessible systems that enable the delivery of high-quality public services; and

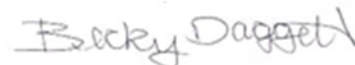
WHEREAS, these dedicated individuals work tirelessly to support end-user devices, applications, communication networks, and data systems, ensuring that city staff have the tools they need to serve the Flagstaff community effectively; and

WHEREAS, IT professionals are essential to protecting sensitive data, responding to technical challenges, implementing innovative solutions, and continuously improving digital infrastructure; and

WHEREAS, their behind-the-scenes contributions often go unrecognized, yet their impact is felt daily across every level of city operations;

NOW, THEREFORE, I, Mayor Becky Daggett, Mayor of the City of Flagstaff, Arizona do encourage all employees and residents to recognize and thank our IT professionals for their invaluable contributions to the success and resilience of our City Operations. I do hereby proclaim next Tuesday September 16th, as

IT Professionals DAY



MAYOR

ATTEST:



CITY CLERK

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Sarah Darr, Housing Director
Date: 08/29/2025
Meeting Date: 09/09/2025



TITLE:
Presentation and Discussion of City-Owned Land for Housing

DESIRED OUTCOME:

Staff will provide an overview of City-owned parcels designated to further housing goals, along with recommendations for City Council's consideration, feedback, and direction.

Executive Summary:

The City of Flagstaff has long utilized City-owned land for housing purposes. After a review of past projects and outcomes, staff will present the parcels of land designated for use to further housing goals, including various considerations impacting the individual parcels, and make recommendations for City Council's consideration, feedback, and direction.

Current City Council direction includes the following:

- Resolution No. 2024-11: Requires City land to be considered for affordable housing use.
- Resolution No. 2022-52: Requires City property be evaluated for affordable housing use prior to disposal.
- Resolution No. 2022-03: Commits the City to increasing the number of affordable housing options for residents of all income levels.
- Resolution No. 2020-66: Declares a housing crisis.
- Resolution No. 2014-04: Inventories 17 properties owned by City and gives direction to staff regarding potential use or disposal. (Some properties have been disposed of in accordance with this resolution, and City Council may wish to repeal or update this resolution at a future public meeting).

Information:

Presentation attached.

Attachments: City-Owned Land for Housing

Presentation and Discussion of City-Owned Land for Housing

City Council Work Session - September 9, 2025

Sarah Darr – Housing Director





Purpose and Outline

Purpose:

- Review City-owned land designated for housing
- Provide staff recommendations, and
- Receive feedback and direction

Outline:

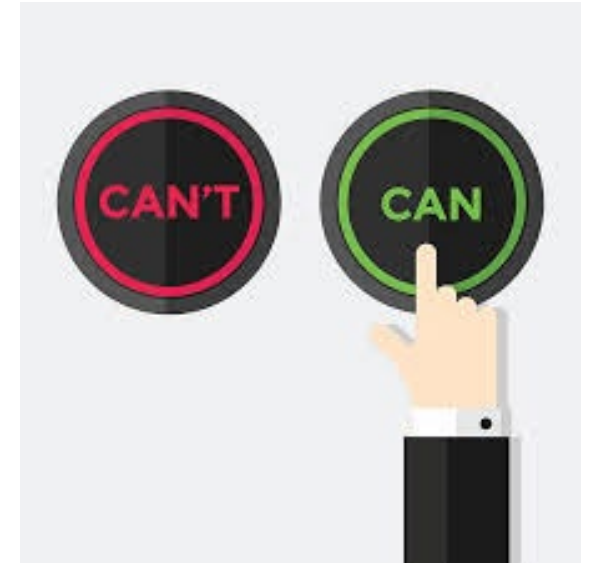
- Background and Past Projects
- Current Assets and Opportunities
- Staff Recommendations
- Council Feedback and Direction



What can the City do?

Can not:

- Require others to build affordable units
- Control or dictate the market



Can:

- Can incentivize developers to include affordable units
- Can control how City-owned land (that is not restricted in some way) is utilized



Options

Options for City-owned land:

- Hold
- Sell
- Sell with conditions
- Lease
- City initiated development

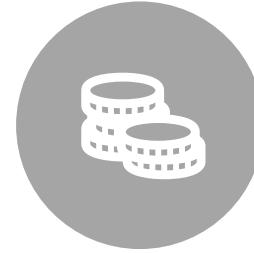




Use Considerations for Housing



Land value



Funding viability



Access, floodplain,
and infrastructure



Proximity to transit and
services



Resource and slope
conditions



Other possible uses

Is this a new model?

The City of Flagstaff has a long history of using city-owned land to create housing opportunities.

What we have done before...





Mountain Side Village/Cedar Crest



1994 purchase

1996 constructed

2015 rehab/refinance
via LIHTC



- Land sold with requirements for affordability
- Resulted in the development of the first Low Income Housing Tax Credit project in Flagstaff
- 81 units
- Renewed 30-year commitment in 2015



Rio Homes

- 2002 RFP & 2003 DA - public/private partnership
- Land sold for both financial consideration and the provision of permanently affordable units
- Proceeds from the sale used for the purchase of additional property for housing purposes
- First permanent affordability in Arizona



153 total units
30 Affordable



High Country Trail



Sandstone Highlands

71 units

High Country Estates

44 units



Timber Trails

65 units



- 2002 RFP & 2004 DA - public/private partnership
- Land sold for both financial consideration and the provision of affordable rental units (LIHTC)
- Proceeds from the sale used for the purchase of additional property for housing purposes
- 180 affordable rental units



Habitat Along Butler



4 homes

- 2 Land Trust Program homes with a 99-year lease
- 2 Starter Homes

Utilized remnant land remaining from Butler widening project



Izabel Homes Project



- Purchased with CDBG
- 99 Year Leases
- 16 Land Trust Program Homes
 - 10 homes built by Loven Contracting
 - 6 homes built by Habitat for Humanity



Butler Corridor Trade



Land trade with a private developer resulting in a Land Trust Program home within a 6-unit market-rate project





Woodshire on Butler



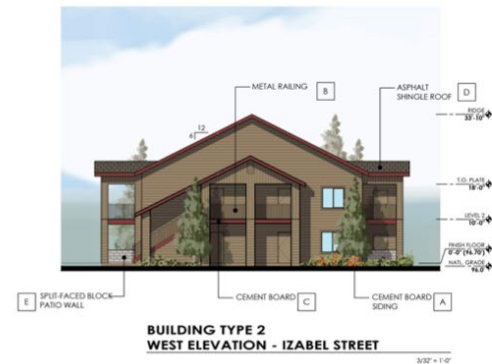
- RFP to sell remnant parcel with obligation to build 5 permanently affordable units
- Property was sold to developer of adjacent 50-unit condo project



Izabel Street Apartments



- Long-term lease with Housing Solutions of Northern Arizona
- 11 three-bedroom rental units
- Shared use with community garden



City-Owned Land Designated for Housing



Nine sites

Seven vacant

Two currently utilized

Size, Zoning, Considerations

Staff Recommendations

Hold - More work required

Hold for non-profit opportunity or
city-initiated project

Move Forward



10-Year Housing Plan



Protect 2: Ensure affordable housing is a part of every Flagstaff neighborhood and work to address disparate impact as part of any development or redevelopment.

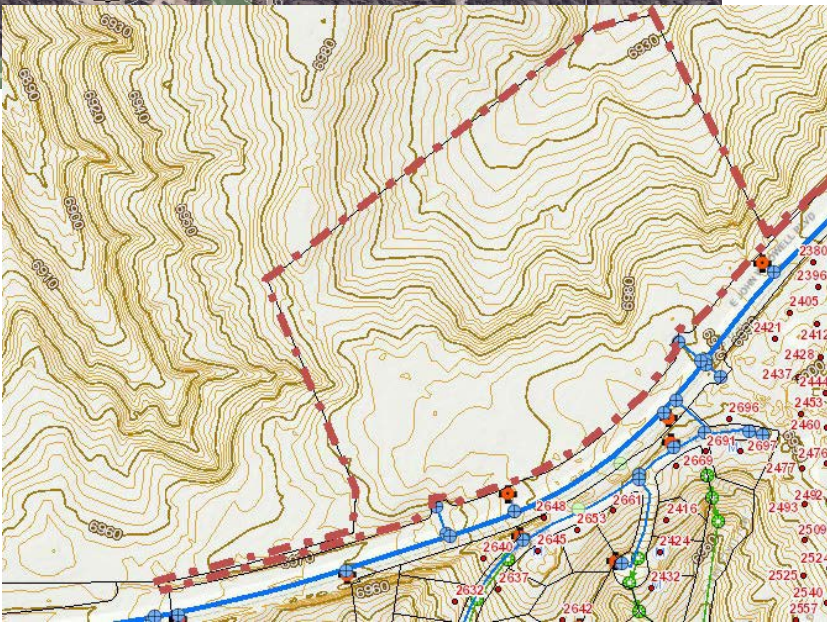
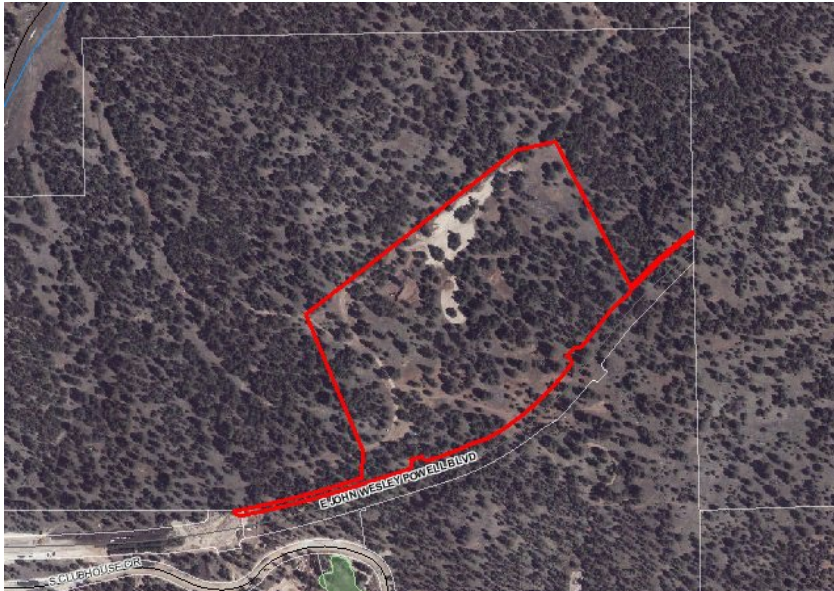
Protect 2.2: Encourage diversity of housing options in all neighborhoods, understanding that exclusive communities are incompatible with the City of Flagstaff's mission to protect and enhance the quality of life for all.

Create 3: Create a dedicated funding source for affordable housing in Flagstaff.

Create 5.9: Prioritize the development of City of Flagstaff owned land designated for affordable housing and evaluate other City-owned parcels for affordable and mixed-income housing.



John Wesley Powell "Sharkbite"



- 27 Acres
- Zoning: MH
- In JWP Specific Area Plan boundaries
- Exploring possible shared use with Fire
- Coordinate timing with surrounding development and extension of JWP
- LASS Opportunity Site #: 38
- **Staff recommendation: Hold – more work required**



Thorpe & Aztec



- Size: ~4 Acres
- Zoning: PF
- Ordinance No. 425 (1957)
- State/Federal restriction for strip along Aztec
- LASS Opportunity Site #: 32
- **Staff recommendation: Hold – more work required**



West Street & Linda Vista



- 1.38 acres - .91 usable
- Zoning: MR
- **Staff recommendation: Hold for possible non-profit opportunity or City-initiated project**



O'Leary and Lonetree

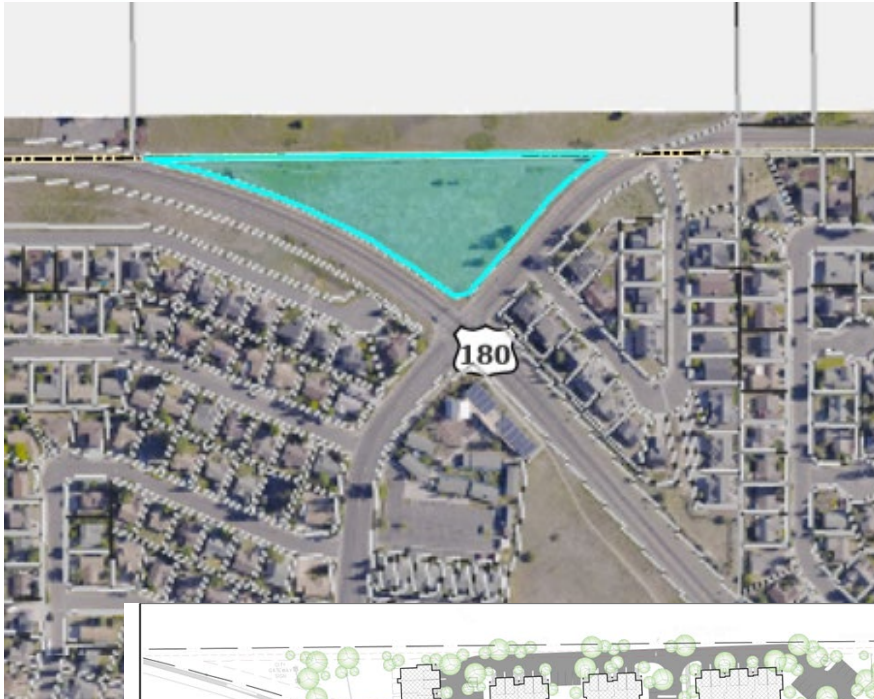
- 4.88 Acres (~.37 acres buildable)
- Zoning: PF
- Southside Plan: housing opportunity
- Community Garden shared use
- Housing funds used to upsize water line to support development of parcel

Staff recommendation: Hold for possible non-profit opportunity or City-initiated project





180 & Schultz Pass

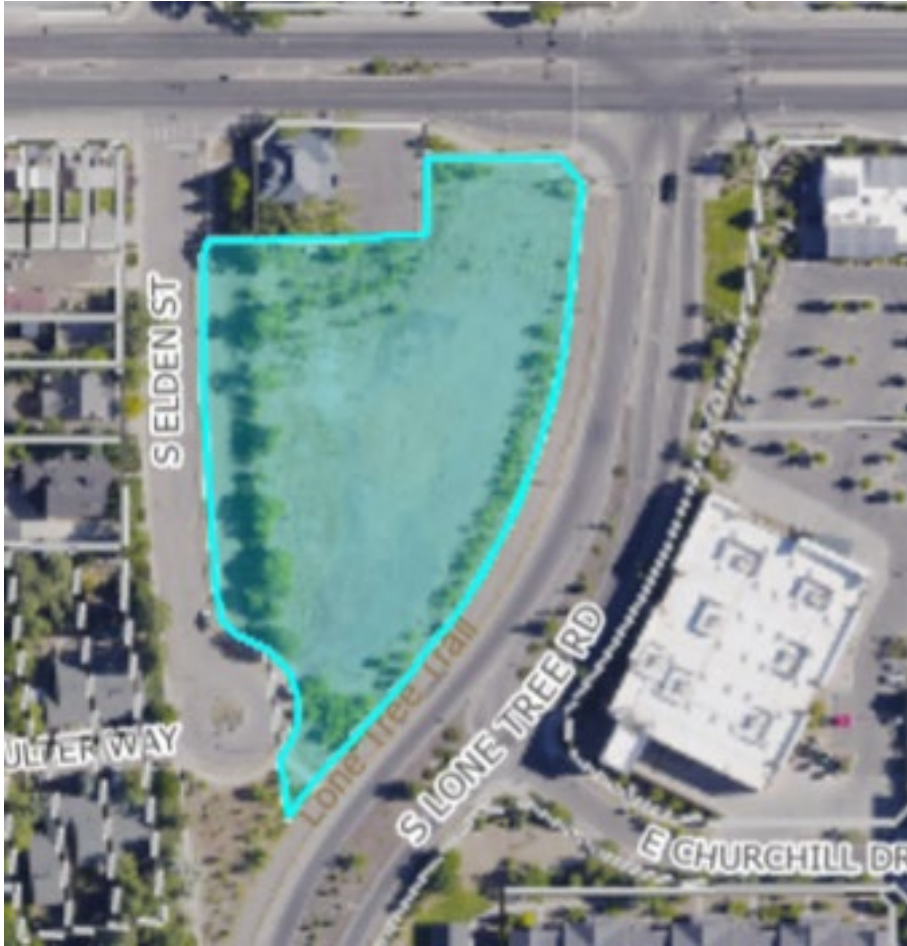


- 3.06 Acres
- Zoning: MR
- Housing funds used for purchase and to bring utilities to the site
- Bisected by regional gas line
- LASS Opportunity Site #: 34
- **Staff recommendation: Issue solicitation prioritizing development of housing units for local workforce**





Sawmill – 320 S. Elden St.



- 1.74 Acres
- Zoning: HC
- LASS Opportunity Site #: 31
- **Staff recommendation: Issue solicitation prioritizing on-going funding for housing programs via a public / private partnership**



A Quick Detour





Declaration of Trust



- All Public Housing in Flagstaff and associated property is owned by the City of Flagstaff
- Restricted by Declarations of Trust that limit its use to affordable housing

Declaration of Trust (Public Housing Modernization Grant Projects)

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

OMB No. 2577-0270
exp. 09/30/2013

Whereas, (1, see instructions) City of Flagstaff Housing Authority (herein called the Public Housing Agency (PHA), a public body corporate and politic, duly created and organized pursuant to and in accordance with the provisions of the laws of the (2) City of Flagstaff, and the United States of America, Secretary of Housing and Urban Development (herein called HUD) pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437, et seq.) and the Department of Housing and Urban Development Act (5 U.S.C. 624) entered into a certain contract with the effective date as of (mm/dd/yyyy) (3) 03/15/1996 (herein called the Annual Contributions Contract) and a certain Modernization Project Grant Amendment to the Annual Contributions Contract with the effective date as of (mm/dd/yyyy) (4) 03/12/2012 (herein called the Modernization Grant Amendment) providing for a grant to be made by HUD to assist the PHA in modernizing lower income housing project(s); and

Whereas, as of the date of the execution of this Declaration of Trust, the Modernization Grant Amendment and the Annual Contributions Contract cover certain individual lower income housing projects located in: (5) City of Flagstaff, County of Coconino, State of Arizona which will provide approximately (6) 127 dwelling units; and which lower income housing projects are known as Modernization Project No. (7) AZ20P0650112 and individual projects as follows:

Project No. (8) <u>AZ20P006062</u>	with approximately <u>47</u>	dwelling units,
Project No. (8) <u>AZ20P006063</u>	with approximately <u>40</u>	dwelling units, and
Project No. (8) <u>AZ20P006064</u>	with approximately <u>40</u>	dwelling units; and

Whereas, the modernization of each Project will have been financed with grant assistance provided by HUD. **Now Therefore**, to assure HUD of the performance by the PHA of the covenants contained in the Modernization Grant Amendment and the Annual Contributions Contract, the PHA does hereby acknowledge and declare that it is possessed of and holds in trust for the benefit of HUD, for the purposes herein stated, the following described real property situated in: (9)

City of Flagstaff, County of Coconino, State of Arizona

To Wit: (Insert legal description for each individual project.)(10)

See Exhibit A, attached, for Real Property Legal Description.

and all buildings and fixtures erected or to be erected thereon or appurtenant thereto.

The PHA hereby declares and acknowledges that during the existence of the trust hereby created, HUD has been granted and is possessed of an interest in the above described Project property, To Wit:

The right to require the PHA to remain seized of the title to said property and to refrain from transferring, conveying, assigning, leasing, mortgaging, pledging, or otherwise encumbering or permitting or suffering any transfer, conveyance, assignment, lease, mortgage, pledge or other encumbrance of said property or any part thereof, appurtenances thereto, or any rent, revenues, income, or receipts therefrom or in connection therewith, or any of the benefits or contributions granted to it by or pursuant to the Modernization Grant Amendment and the Annual Contributions Contract, or any interest in any of the same except that the PHA may (1) to the extent and in the manner provided in the Annual Contributions Contract, (a) lease dwellings and other spaces and facilities in any Project, or (b) convey or otherwise dispose of any real or personal property which is determined to be excess to the needs of any Project, or (c) convey or dedicate land for use as streets, alleys, or other public right-of-way, and grant easements for the establishment, operation, and maintenance of public utilities; or (d) enter into and perform contracts for the sale of dwelling units to members of tenant families, as authorized by the United States Housing Act of 1937, or (2) with the approval of HUD, release any Project from the trust hereby created; Provided, That nothing herein contained shall be construed as prohibiting the conveyance of title to or the delivery of possession of any Project to HUD pursuant to the Annual Contributions Contract.

The endorsement by a duly authorized officer of HUD (1) upon any conveyance or transfer made by the PHA of any real or personal property which is determined to be excess to the needs of any Project, or (2) upon any instrument of conveyance or dedication of property, or any interest therein, for use as streets, alleys, or other public right-of-way, or for the establishment, operation and maintenance of public utilities, or (3) upon any instrument transferring or conveying a dwelling unit, or an interest therein, to a member of a tenant family, or (4) upon any instrument of release made by the PHA of any Project shall be effective to release such property from the trust hereby created.

The individual projects covered by the Modernization Grant Amendment shall be subject to this Declaration of Trust for a period of twenty years beginning on the date of the Modernization Grant Amendment. Each individual project shall also be subject to this Declaration of Trust for a period of twenty years after the date of the most recent Modernization Grant Amendment applicable to that project. Upon expiration of the period during which the PHA is obligated to operate the individual projects in accordance with the Annual Contributions Contract, the trust hereby created shall terminate and no longer be effective.

To Witness: The PHA hereby affirms that the data included hereon were prepared and submitted to HUD in good faith and to the best of its knowledge and belief.



Rental Assistance Demonstration

“RAD” was established by HUD:

- Give public housing authorities more flexibility to access private and public funding sources
- Reduce reliance on unpredictable and unreliable appropriations from Washington





RAD / Redevelopment

Preserves and Improves Affordable Housing – Allows public housing to convert to long-term Section 8 contracts, creating funding certainty and unlocking access to private financing for repairs and redevelopment.

Leverages Investment for Redevelopment – Enables housing authorities to combine public and private funds to redevelop aging housing stock into safer, higher-quality communities.

Protects Residents – Ensures tenant rights are preserved, with **no loss of housing assistance and continued affordability**, while improving living conditions through redevelopment.





Siler Homes



- 19.4 Acres
- Zoning: HR
- Public Housing - 1970
- 100 units:
 - 10 two bedrooms
 - 50 three bedrooms
 - 30 four bedrooms
 - 10 five bedrooms
- LASS Opportunity Site #: 50



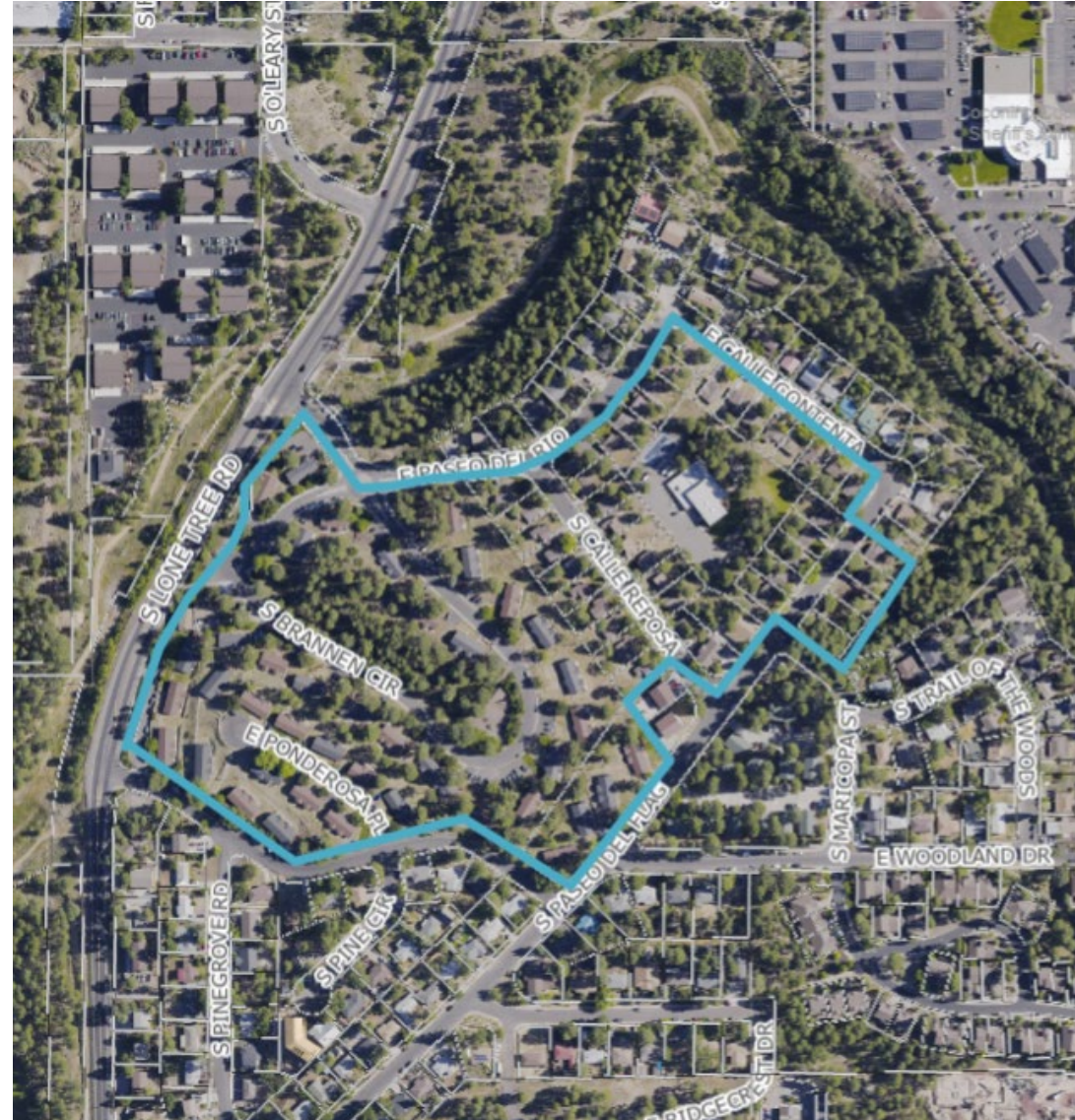
Main Housing Authority office, Activity Center (*Currently Occupied by Tynkertopia*), and Headstart Center



Brannen Homes

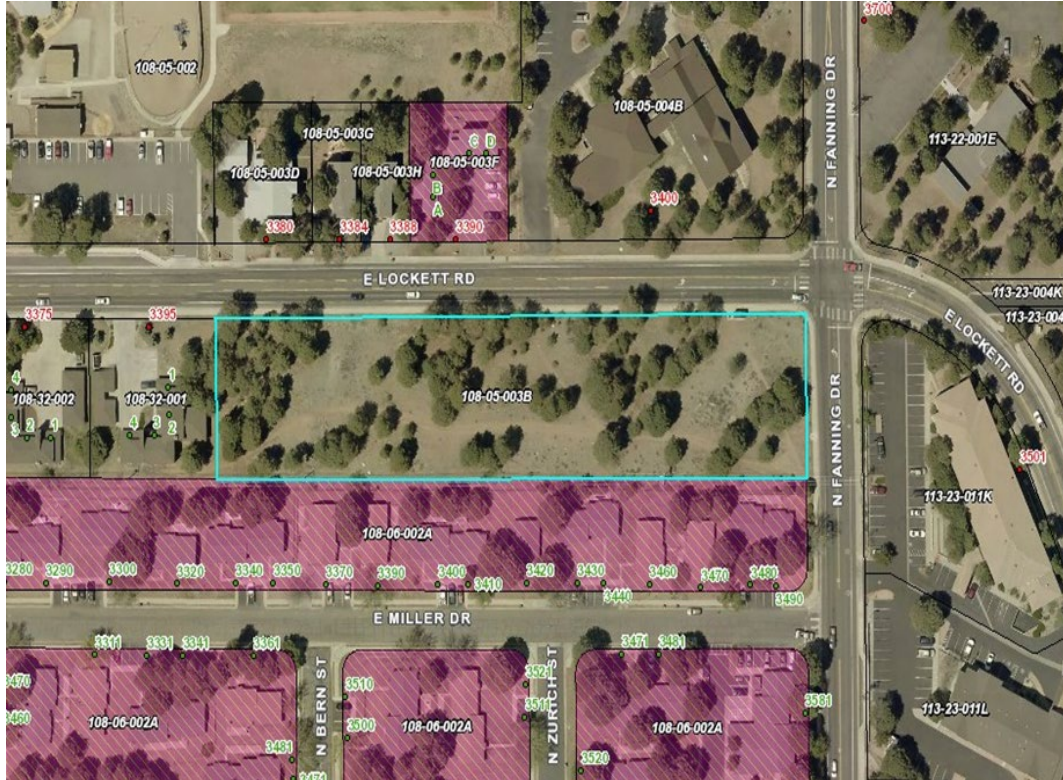


- 22.75 acres
- Zoning: MR
- Public Housing developed 1952-1962
- 127 units:
 - 20 one bedrooms
 - 55 two bedrooms
 - 41 three bedrooms
 - 11 five bedrooms
- Office, Maintenance Shop and Cogdill Recreation Center
- LASS Opportunity Site #: 49





3190 E Miller Dr/Lockett &



- 2.09 acres
- Zoning: HR
- Adjacent to Siler Homes
 - To be incorporated into redevelopment
- Purchased in 2018 for Housing Purposes
- LASS Opportunity Site #: 35
- **Staff Recommendation: Continue RAD Process**



Recommendations - Hold

Large Parcels - Hold / More Work Needed

- Thorpe and Aztec
- JWP "Sharkbite"

Small Parcels: Hold for Non-Profit Opportunity or City-initiated project

- West Street & Linda Vista
- O'leary and Lonetree



Recommendations – Move Forward



Move Forward

180 & Schultz Pass

- Issue solicitation prioritizing development of housing units for local workforce

Elden/Butler/Lonetree

- Issue solicitation prioritizing on-going funding for housing programs through a public private partnership

Lockett/Fanning & Redevelopment of Public Housing

- Continue process

Questions?

Thank you!



**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Jolene Montoya, Water Services Section Director - Regulatory Compliance
Date: 03/13/2025
Meeting Date: 09/09/2025



TITLE:
Updates to the Flagstaff Water Services Enforcement Response Plan (ERP)

DESIRED OUTCOME:
Presentation and Discussion on ERP Changes.

Executive Summary:

- Update narrative to have the stormwater section match pretreatment and cross-connection in language.
- Update Watershed Specialist to Stormwater Project Manager.
- Add in Floodplain language from City Code.
- Update Stormwater and Regulatory Compliance Managers to Water Services Manager/Section Director.
- List Scavenger Waste violations for staff direction.


Information:

In 2018, the City Council adopted by reference the Enforcement Response Plan (ERP) that is required for the Pretreatment and MS4 programs to protect City wastewater treatment infrastructure and facilities which was slightly revised by Council in 2022. In the period since, Water Services has followed this plan for various enforcement actions that include from warning letters to an administrative order. These proposed changes would reflect position title changes within Water Services as well as give authority for escalating enforcement to proper staff. There is also an addition to the Pretreatment section for scavenger waste enforcement. Although there has already been enforcement related to scavenger waste permits, we felt it was necessary to list specific issues with this program for direction to City personnel. Lastly, there are clerical changes to ensure the document is in the same format throughout. None of these changes will adjust any monetary fines or types of enforcement actions.


Attachments: [ERP Changes PPT](#)
[Resolution 2025-21](#)
[Flagstaff Water Services Enforcement Response Plan](#)



1






Background



Regulations

- Mandated by State Stormwater General Permit (MS4)
- Mandated for Pretreatment Program by City Code 7-02-001-0021.A and EPA 40 CFR 403.8.f.5

2



Background



- ERP includes Pretreatment, Cross-Connection and Stormwater
- Provides direction and clarity to the regulated community
- Provides direction for staff on how to respond to instances of noncompliance
- Explains the escalating enforcement options
- Passed by resolution thru City Council in December 2018

3



Present day





Inspection Reports – Issued by Inspector

Warning Letters – Issued by
Inspector/Supervisor

Notice of Violations – Issued by
Manager

Most frequently used

4

Present day



Significant Non-Compliance – Defined in City Code

Administrative Fines– Defined in ERP

Administrative Order – Coordination with City Attorney

Rarely Used

5

Changes

Proposed changes to the plan

- Update narrative to have the stormwater section match pretreatment and cross-connection in language.
- Update Watershed Specialist to Stormwater Project Manager
- Add in Floodplain language from City Code.
- Update Stormwater and Regulatory Compliance Managers to Water Services Manager/Section Director.
- Listed Scavenger Waste violations for personnel direction.

6

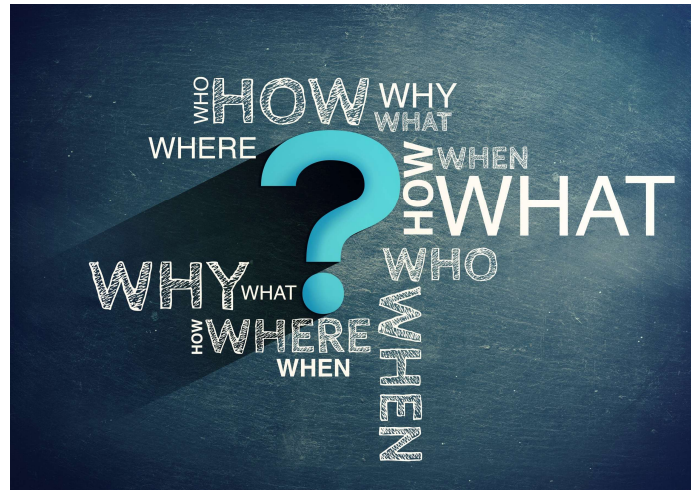
How the ERP has been used

- Cross-Connection – annual backflow testing and correct installations, which protect our water system
- Pretreatment and FOG – Businesses and staff both know what to expect for permit and code violations. Protect our WW collection system and Water Reclamation Plants
- Stormwater – Contractors are put on notice for subpar controls and trackout issues to protect the City’s stormwater system



7

Questions



8

RESOLUTION NO. 2025-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF
ADOPTING AN AMENDMENT TO THE *FLAGSTAFF WATER SERVICES
ENFORCEMENT RESPONSE PLAN* FOR THE CITY OF FLAGSTAFF**

RECITALS:

WHEREAS, in 2018 the City Council for the City of Flagstaff adopted the *Flagstaff Water Services Enforcement Response Plan*; and

WHEREAS, from time to time, amendments to the *Flagstaff Water Services Enforcement Response Plan* are necessary to keep it up-to-date and to address any needs to better facilitate enforcement of the same; and

WHEREAS in February, 2022, upon recommendation of the City of Flagstaff Water Commission, City Council adopted an amendment to the *Flagstaff Water Services Enforcement Response Plan*; and

WHEREAS, the Water Services Division recommends Council adopt an additional amendment to the *Flagstaff Water Services Enforcement Response Plan*; and

WHEREAS, staff for the Water Services Division has prepared a draft of the amendment to the *Flagstaff Water Services Enforcement Response Plan* as demonstrated by removing the stricken language, and adding the new language red in the attached Exhibit A; and

WHEREAS, the City Council has reviewed the recommendations of the Water Commission and the Water Services Division regarding the amendment of *Flagstaff Water Services Enforcement Response Plan*; and

WHEREAS, an amended *Flagstaff Water Services Enforcement Response Plan* which is up-to-date allows for more precise and effective enforcement of regulations which promote the safety, health and welfare of residents of the City of Flagstaff;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. The amended *Flagstaff Water Services Enforcement Response Plan* is attached hereto and hereby incorporated herein is hereby adopted removing the stricken language, and also adding the new language red in the attached Exhibit A.

SECTION 2. The Water Services Division and the City Clerk are authorized and directed to edit and correct clerical errors or typographical and/or grammatical errors of wording and punctuation.

This resolution shall be effective thirty (30) days following adoption by the City council.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 16th day of September, 2025.

//

//

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A

City of Flagstaff

Water Services Division

Enforcement Response Plan

Revised 2025

Table of Contents

Contents

<u>I.</u>	<u>PURPOSE</u>	1
<u>III.</u>	<u>DEFINITIONS</u>	2
<u>IV.</u>	<u>DESCRIPTION OF ENFORCEMENT ACTIONS</u>	4
<u>V.</u>	<u>CROSS CONNECTION CONTROL: ENFORCEMENT RESPONSE</u>	6
<u>VI.</u>	<u>PRETREATMENT: ENFORCEMENT RESPONSE</u>	7
<u>VII.</u>	<u>STORMWATER: ENFORCEMENT RESPONSE</u>	8
<u>VIII.</u>	<u>POINTS ASSESSMENT CRITERIA</u>	9
<u>IX.</u>	<u>ADMINISTRATIVE FINE SCHEDULE</u>	10
	<u>TABLE A</u>	10
	<u>TABLE B</u>	11

I. PURPOSE

The ERP is intended to enforce the Flagstaff City Code in an equitable and consistent manner as follows:

- To ensure compliance with Title 7, Chapter 1; Title 7, Chapter 2; Title 7, Chapter 3; Title 12, Chapter 1; Title 12 Chapter 2; and Title 12, Chapter 3 of City Code and the Small Municipal Separate Storm Sewer System (MS4) General Permit and to protect public health and safety;
- To provide guidance in enforcement responses that are appropriate to the nature and severity of the violation;
- To establish guidelines that encourage fair and uniform application of enforcement responses to varying types of violations;
- To describe the mechanism to review the appropriateness of responses; and
- Assign points to violations based on their nature and severity for which administrative penalties will be assessed.

II. LEGAL AUTHORITY

This Enforcement Response Plan (ERP) specifies how the City of Flagstaff (“City”) will investigate and respond to instances of noncompliance with the following Articles of the Flagstaff City Code:

Title 7, Chapter 1:	Water Services
Title 7, Chapter 2:	Wastewater Regulations
Title 7, Chapter 3:	City Water System Regulations
TITLE 12, CHAPTER 1:	FLOOD PLAIN REGULATIONS
TITLE 12, CHAPTER 2:	STORM WATER MANAGEMENT
Title 12, Chapter 3:	Illicit Discharge Detection and Elimination

This ERP was developed in accordance with 40 CFR Section 403.8(f)(5); Flagstaff City Code, Title 7, Chapter 1, Water Services; **TITLE 12, CHAPTER 1; TITLE 1, CHAPTER 2**; Title 12, Chapter 3, ~~Illicit Discharge Detection and Elimination~~ and with the requirements of **THE CURRENT** AZPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) to Water of The United States, ~~Permit No. AZG2016-002~~.

III. DEFINITIONS

In this Enforcement Response Plan, the following words and phrases shall have the following meanings, unless the context otherwise requires:

AO or Administrative Order: A consent order, a compliance order, or a cease and desist order issued by the City of Flagstaff.

ADEQ: Arizona Department of Environmental Quality.

ARS: Arizona Revised Statutes.

AZPDES: Arizona Pollutant Discharge Elimination System.

BMP: Best Management Practices.

Administrative Enforcement: Legal, independently enforceable orders issued directly by Flagstaff officials that define the violation, provide evidence of the violation, impose Administrative Fines and/or require the RP to take corrective action within a specified time period.

Administrative Fine: Civil penalty assessed through Administrative Enforcement.

CFR: Code of Federal Regulations.

Due Date: Date by which report or action is to be completed.

EPA: U.S. Environmental Protection Agency.

FHBM: FLOOD HAZARD BOUNDARY MAP

FIRM: FLOOD INSURANCE RATE MAP

Harm Caused: POTW process upset/inhibition/disruption of normal operation and/or adverse change in POTW effluent, adverse change in POTW sludge (bio-solids) characteristics/concentrations; a discharge into the MS4 which results in a violation of the AZPDES Stormwater Permit; and/or adverse impact on the environment.

IDDE: Illicit Discharge Detection and Elimination.

MS4: Municipal Separate Storm Sewer System

NFIP: NATIONAL FLOOD INSURANCE PROGRAM

NOV: Notice of Violation *or* Notification of Violation issued to the responsible property and/or business owner.

Person: An individual, corporation, entity, or organization.

POTW: Publicly Owned Treatment Works.

RP: Responsible Party; the owner and/or operator of the property where a violation occurs.

SFHA: SPECIAL FLOOD HAZARD AREA - AN AREA HAVING SPECIAL FLOOD, MUDFLOW OR FLOOD-RELATED EROSION HAZARDS AND SHOWN ON A FLOOD HAZARD BOUNDARY MAP (FHBM) OR A FLOOD INSURANCE RATE MAP (FIRM) ZONE A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE OR V. THE SFHA IS THE AREA WHERE THE NATIONAL FLOOD INSURANCE PROGRAM'S (NFIP'S) FLOODPLAIN MANAGEMENT REGULATIONS MUST BE ENFORCED AND THE AREA WHERE THE MANDATORY PURCHASE OF FLOOD INSURANCE APPLIES.

Show Cause Hearing: A formal meeting requiring the RP to appear, explain noncompliance, a show cause why more severe enforcement actions against the RP should not go forward. The meeting may also serve as a forum to discuss corrective action and compliance schedules

SNC or Significant Non-Compliance: (a) In order to comply with the public participation requirements of 40 CFR Part 25 in the enforcement of National Pretreatment Standards, for nondomestic users permitted to discharge wastewater, the definition of significant non-compliance shall have the same meaning as set forth by 40 CFR 403.8(f)(2)(viii) and Section 7-02-001-0020 of the Flagstaff City Code; (b) For Violations of Title 12, Chapter 3, Illicit Discharge Detection and Elimination; and Title 7, Chapter 02, Wastewater Regulations, the RP shall be determined to be in SNC if the RP accumulates four or more points at any time during the previous six (6) months preceding the end of a quarter.

Significant Violation: A Significant Violation is defined as a violation with an assessed value of 4 points as defined in Section IX of this ERP.

SWPPP: Stormwater Pollution Prevention Plan

WL: Warning Letter.

WRP: WATER RECLAMATION PLANT

Violation: Non-compliance with the Flagstaff City Code.

IV. DESCRIPTION OF ENFORCEMENT ACTIONS

The following criteria will be considered when determining enforcement:

- Type of violation: minor, significant
- Severity of the violation: the duration, quality, and quantity of pollutants, and effect on public safety and the environment
- Apparent good faith of the site operator
- The potential deterrent value of the enforcement action

INFORMAL NOTICE

1. Inspection Report

*Responsible City Authority – Pretreatment Inspector or ~~Watershed Specialist~~ **STORMWATER PROJECT MANAGER***

Timeframe – At time of inspection or within a maximum of five (5) business days of inspection

An Inspection Report is prepared by the Pretreatment Inspector or **PROJECT MANAGER** after a site visit. The report can include recommendations and education materials to address minor issues, before they become violations, as deemed necessary by the inspector. Educational handouts and additional documented verbal instructions may be provided with the Inspection Report.

2. Warning Letter

*Responsible City Authority – Pretreatment Inspector, ~~Water Services Supervisor~~ or **PROJECT MANAGER***

*Timeframe – At time of inspection or within a maximum of five (5) business days of inspection **OR DISCOVERY***

The Warning Letter is the initial documentation to address minor violations. A Warning Letter may be issued by the inspector to the on-site representative at the time of the inspection or can be used after the inspection/**DISCOVERY** to follow-up on minor issues. No **FURTHER** enforcement action is typically taken if the issues listed in the Warning Letter are corrected immediately or within a timeframe deemed appropriate by the inspector.

ESCALATING ENFORCEMENT

1. Notice of Violation or Corrective Action

*Responsible City Authority –~~WATER SERVICES~~ Manager or **WATER SERVICES SECTION DIRECTOR***

Timeframe – Decision to issue within 10 business days of discovery

A written NOV or Corrective Action may be issued if the RP fails to comply with a Warning Letter or if there is a significant violation of City Code. The NOV or Corrective Action will include a written notice on specific violations to City Code and include a timeline for correction. If the RP has corrected the violation(s) in the timeframe specified in the NOV or Corrective Action the NOV or Corrective Action will be closed. Enforcement response will be escalated if the RP has not been in contact with Flagstaff Water Services to develop an alternative, mutually acceptable plan to reach compliance or if the NOV or Corrective Action conditions have not been met. Closure of an NOV or Corrective Action shall not preclude the City from taking further enforcement action if

additional information regarding the alleged violations is discovered, or if further violations occur.

2. **Administrative Order**

Responsible City Authority – Water Services Director

An Administrative Order is an enforcement document to direct the RP to undertake and/or cease specified activities by specified deadlines. The Administrative Order may incorporate a Cease and Desist or Stop Work Order, revocation of City issued permit, or a Show Cause Hearing. At its sole discretion, the City may also correct the deficiency or hire a contractor to correct the deficiency and require reimbursement from the RP to the City for all costs incurred in correcting the violation. The City may also assess an Administrative Fine or Civil Penalty in the Administrative Order for instances of continued noncompliance as directed in this ERP.

3. **Administrative Fines/Civil Penalties**

Responsible City Authority – Water Services Director

Civil penalties are punitive monetary charges assessed by the City rather than a court. The purpose of the penalty is to recover the economic benefit of noncompliance and to deter future violations. When assessing a civil penalty, the following factors are considered:

- a. Type and severity of the violation
- b. Number of violations cited
- c. Duration of noncompliance
- d. Impact of the violation on the receiving water, sludge quality, and POTW operation
- e. Whether the violation threatened public health
- f. Economic benefit or savings the RP gained from the noncompliance
- g. Compliance history of the RP
- h. Whether the RP is making a good faith effort to comply

4. **Civil Litigation**

Responsible City Authority – City Attorney

Civil litigation is the formal process whereby the City files a lawsuit against the RP to secure court ordered action to correct violations and to secure penalties for the violations including recovery of costs for the noncompliance. Civil litigation also includes enforcement measures which require involvement or approval of the court, such as injunctive relief.

In emergency situations caused by violations, including imminent danger to the public health, safety, or welfare, and endangerment to City personnel or the environment, the **WATER SERVICES MANAGER OR WATER SERVICES SECTION DIRECTOR** may escalate directly to a NOV, and recommend to the Water Services Director to go directly to an Administrative Order or Civil Litigation Action. Any violations deemed as significant will be published in the largest local newspaper, in accordance with City Code.

V. CROSS CONNECTION CONTROL: ENFORCEMENT RESPONSE

Investigation of noncompliance will be conducted by the Industrial Pretreatment Inspectors and/or the Industrial Pretreatment Supervisor. The methods used to investigate and to determine noncompliance may include, but are not limited to:

1. Respond to complaints received from the public;
2. On-site inspections of the nondomestic user, including scheduled and unscheduled visits;
3. Scheduled and unscheduled testing of nondomestic users' backflow assemblies;
4. Maintain database of City approved certified backflow testers;
5. Conduct surveillance of testers to verify test procedures are being followed;
6. Review water purchase records and use of water of nondomestic users;
7. Review backflow assembly test results.

The City will respond to inspections and violations of Title 7, Chapter 3, Section 001-0015, as follows:

1. Inspection Report
 - a. Contact by inspector;
 - b. Provide educational material of BMPs and Flagstaff City Code requirements and/or prohibitions;
2. Warning letter;
3. NOV;
4. Administrative Orders;
5. Administrative Fines;
6. Civil enforcement action, including injunctive relief and criminal prosecution.

VI.

PRETREATMENT: ENFORCEMENT RESPONSE

PRETREATMENT NONCOMPLIANCE INCLUDES VIOLATIONS FOUND FROM THE INDUSTRIAL PRETREATMENT PROGRAM AND THE SCAVENGER WASTE PROGRAM. WATER RECLAMATION STAFF AND INDUSTRIAL PRETREATMENT INSPECTORS WILL USE CITY CODE AND PERMITS TO INVESTIGATE AND DETERMINE NONCOMPLIANCE.

The City will respond to violations of Title 7, Chapter 2, as follows:

1. Inspection Report (7-02-001-0016)
 - a. Contact by inspector **OR WRP STAFF**;
 - b. Provide educational material of BMP and Flagstaff City Code requirements and/or prohibitions;
2. Warning letter;
3. NOV (7-01-001-0012);
4. Administrative Orders (7-01-001-0013), which may include:
 - a. Modification of wastewater discharge permits;
 - b. Affirmative obligations, such as increased monitoring;
 - c. Prohibited actions or obligations to cease and desist;
 - d. Suspension of access to the City Collection System (7-02-001-0021);
 - e. Revocation of permit (7-01-001-0012.E);
5. Administrative Fines (7-01-001-0018);
6. Civil enforcement action, including injunctive relief and criminal prosecution (7-01-001-0019).

VII. STORMWATER: ENFORCEMENT RESPONSE

The City will use City Code, permits, and **STORMWATER DESIGN MANUAL** to enforce stormwater violations. Potential RPs for violations include property owners, contractors, developers, businesses, industries, private citizens, and other governmental agencies.

The City will respond to inspections and violations of Title 12, as follows:

1. Inspection Report:
 - a. Contact by Stormwater Project Manager;
 - b. Provide educational material of BMP and Flagstaff City Code requirements and/or prohibitions;
2. Warning letter;
3. Corrective Action Letter;
4. Issuance of Administrative Order, which may include:
 - a. Cease and Desist or Stop Work Order (SWO);
 - b. Any means necessary to abate an incident to protect the public health, safety or the environment and charging all costs of such abatement to the violator;
 - c. Written order to immediately remove pollutant or pollutant source or potential pollutant sources from MS4 and to restore City of Flagstaff property to conditions acceptable to the Water Services Director or **THEIR** delegated representative;
 - d. Affirmative obligations; i.e., increased sweeping or track out pad maintenance,
5. Administrative Fines;

VIII. POINTS ASSESSMENT CRITERIA

INTRODUCTION

In order to apply enforcement in an equitable and consistent manner, violation points have been developed for each classification of violation, minor or significant as determined by **WATER SERVICES STAFF**. (See Table B.) Points for violations have been assigned depending upon the severity of the violation; the potential for environmental, public, or employee harm; or facility damage that may result from a violation, and the cost of the violation to the City and its operations. Each violation by an RP shall result in points being assigned to that RP.

When an RP’s total points in any two consecutive quarters equals or exceeds 4.0 points, Administrative Fines will be assessed against the RP. The fines will be assessed in the amounts specified on Table A.

ASSESSMENT OF POINTS

1. When violations are discovered, the assessed points shall be applied to the RP.
2. Significant Non-Compliance is calculated at the end of every quarter for the six (6) months preceding the end of the quarter:

<u>Compliance Review Date(s)</u>	<u>Period of Review</u>
April	October 1 of previous year through March 31 of current year
July	January 1 through June 30 of current year
October	April 1 through September 30 of current year
January	July 1 through December 31 of previous year

3. When the total number of points equals or exceeds four (4) points in one quarter and equals or exceeds four (4) points in a consecutive quarter, the Water Services Director or THEIR delegated representative shall assess Administrative Fines or Civil Penalties consistent with this ERP and determine other appropriate enforcement actions which may include revocation of the Permit, if applicable; publication of those in significant non-compliance; and/or termination of service or cease and desist orders.
4. If a permit or property is conveyed, points associated with that permit or property do not convey to the new permit holder or owner unless the new holder/owner is related to the previous holder/owner or unless it appears that the conveyance is an attempt to avoid enforcement.
5. A single operational upset or activity, which leads to simultaneous violations of more than one pollutant parameter, may be treated as a single violation for point assessment, provided there is no Harm Caused.

IX. ADMINISTRATIVE FINE SCHEDULE

ADMINISTRATIVE FINES FOR POINTS ASSESSED

As a result of significant noncompliance (SNC) determined by the **WATER SERVICES** Manager or **WATER SERVICES SECTION DIRECTOR**, when an RP is assessed four (4) or more points in one quarter and assessed four (4) or more points during any consecutive quarter, the Water Services Director in conjunction with the City Attorney will assess an Administrative Fine with a base value of \$2500.

In addition to the base Administrative Fine, each quarter (0.25) point assessed in excess of 4 points shall be assigned a value of \$156.25. For each quarter point, the following values will be applied:

TABLE A

0.25	0.50	0.75	1.0	1.25	1.50	1.75	2.0
\$156.25	\$312.50	\$468.75	\$625.00	\$781.25	\$937.50	\$1,093.75	\$1,250.00
2.25	2.50	2.75	3.0	3.25	3.50	3.75	4.0
\$1,406.25	\$1,562.50	\$1,718.75	\$1,875.00	\$2,031.25	\$2,187.50	\$2,343.75	\$2,500.00

Following an SNC and the imposition of the base fine, each subsequent violation during the same consecutive two-quarter period shall be assessed a fine based on the quarter-point increment schedule. For subsequent violations, all points assessed during the two-quarter period are used to determine whether a penalty will be assessed, but the amount of the penalties are only assessed on points for which penalties were not previously assigned; i.e., no double billing for points assessed. At any time the accumulated points total less than four points for any consecutive two-quarter period, fines will not be assessed for that period.

Data used to determine compliance shall be maintained in accordance with the City’s record retention policy and applicable state or federal regulations.

RECONSIDERATION OF THE FINE

If the RP desires to dispute an assessed Administrative Fine, the RP must file a written request for the Water Services Director to reconsider the Administrative Fine along with full payment of the Administrative Fine within 15 days of being notified of the fine.

PUBLICATION OF RP IN SIGNIFICANT NONCOMPLIANCE

The Water Services Director shall publish at least annually in a newspaper of general circulation a list of RPs which, at any time since the list was last published, were in Significant Non-Compliance.

Industrial Users found to be in Significant Non-Compliance shall be published in accordance with 40 CFR 403.8(f)(2)(viii)(A-H).

TABLE B

Any violation of ordinance not specified in Table B may be awarded points at the discretion of the Water Services Director.

The description of the violation is for ease of reference only. For the specific violation, consult the corresponding ordinance section cited.

Table B, Part 1: Cross Connection Control Violations

Code	Violation	Points	Enforcement Response	Code Reference
CC-1	Incorrect installation of assembly	0.5	WL, NOV	§7-3-1-15.F.4
CC-2	Incorrect size of assembly installed	1.0	WL, NOV	§7-3-1-15.
CC-3	Installation of by-pass or tampering with assembly	2.0	WL, NOV	§7-3-1-15.F.4
CC-4	Incorrect type of assembly and/or valves installed	1.0	WL, NOV	§7-3-1-15.E
CC-5	Installation of a non-approved assembly	1.0	WL, NOV	§7-3-1-15.D
CC-6	Failure to install assembly after notification issued – 1st occurrence	1.0	WL, NOV	§7-3-1-15 F.12
CC-7	Failure to install assembly after notification issued – 2nd occurrence	2.0	WL, NOV	§7-3-1-15. F.12
CC-8	Failure to install assembly after notification issued – 3rd occurrence, discontinuance of service	4.0	WL, NOV, AO	§7-3-1-15. F.12
CC-9	Failure to maintain records of tests and/or repair	1.0	WL, NOV	§7-3-1-15.K.9
CC-10	Failure to conduct annual testing - 1st occurrence	1.0	WL, NOV	§7-3-1-15. K.1
CC-11	Failure to conduct annual testing - 2nd occurrence	2.0	WL, NOV	§7-3-1-15.K.1
CC-12	Failure to conduct annual testing – 3rd occurrence	3.0	NOV	§7-3-1-15.K.1
CC-13	Failure to notify of removal	1.0	WL, NOV	§7-3-1-15.H
CC-14	Failure to conduct initial test	1.0	WL, NOV	§7-3-1-15.C.5
CC-15	Failure to conduct test by certified tester	1.0	WL, NOV	§7-3-1-15.K.4
CC-16	Failure to re-test after repair, etc., of assembly	2.0	WL, NOV	§7-3-1-15.K.3
CC-17	Failure to maintain system open for inspection	2.0	WL, NOV	§7-3-1-15.I
CC-18	Failure to notify after repair, relocation or replacement	2.0	WL, NOV	§7-3-1-15.F.3
CC-19	Failure to provide a copy of the test report to the City within 5 working days	1.0	WL, NOV	§7-3-1-15.K.4

Table B, Part 2: Pretreatment Violations

Code	Violation	Points	Enforcement Response	Code Reference
P-1	Allow a prohibited discharge into the POTW which causes pass through or interference – 1st occurrence.	2.0	WL, NOV	§7-2-1-7.B.1
P-2	Allow a prohibited discharge into the POTW which causes pass through or interference – 2nd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-7.B.1
P-3	Allow a prohibited discharge into the POTW – 1st occurrence.	2.0	WL, NOV	§7-2-1-7.B
P-4	Allow a prohibited discharge into the POTW – 2nd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-7.B
P-5	Discharge from nondomestic source without a permit.	2.0	WL, NOV	§7-2-1-49
P-6	Discharge from nondomestic source without a permit – 2nd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-49
P-7	No warning of possible connection or entry point for a hazardous and/or prohibited substance to the permittee's plumbing or drainage system.	2.0	WL, NOV	§7-2-1-51.C
P-8	Violation of Local or Categorical limit - 1st occurrence. The exception is a violation to BOD and TSS limits, which will be assessed surcharges in accordance with 7-02-001-0008.B and not be in violation of this ERP.	1.0	WL, NOV	§7-2-1-8.B
P-9	Violation of Local or Categorical limit - 2nd occurrence within any two consecutive quarters. The exception is a violation to BOD and TSS limits, which will be assessed surcharges in accordance with 7-02-001-0008.B and not be in violation of this ERP.	2.0	NOV	§7-2-1-8.B
P-10	Violation of Local or Categorical limit - 3rd occurrence within any two consecutive quarters. The exception is a violation to BOD and TSS limits, which will be assessed surcharges in accordance with 7-02-001-0008.B and not be in violation of this ERP.	4.0	NOV	§7-2-1-8.B
P-11	Use of dilution to meet a standard or local limit – 1st occurrence.	2.0	NOV, AO	§7-2-1-8.E
P-12	Use of dilution to meet a standard or local limit – 2nd occurrence within any two consecutive quarters.	4.0	NOV, AO	§7-2-1-8.E
P-13	Tamper, damage, or destroy monitoring equipment.	4.0	NOV, AO Revocation of permit	§7-2-1-3
P-14	Tamper with manhole or unauthorized entry into POTW.	2.0	NOV, AO, CEASE and DESIST	§7-2-1-3
P-15	Tamper with manhole or unauthorized entry into POTW – 2nd occurrence within any two consecutive quarters.	4.0	NOV, AO, CEASE and DESIST	§7-2-1-3
P-16	Tamper with pretreatment device – 1st occurrence.	2.0	NOV, AO, CEASE and DESIST	§7-2-1-3
P-17	Tamper with pretreatment device – 2nd occurrence within any two consecutive quarters.	4.0	NOV, AO, CEASE and DESIST	§7-2-1-3
P-18	Failure to provide pretreatment facilities.	1.0	WL, NOV	§7-2-1-08.G
P-19	Failure to properly maintain pretreatment equipment – 1st occurrence.	1.0	WL, NOV	§7-2-1-08.G

P-20	Failure to properly maintain pretreatment equipment – 2nd occurrence in any two consecutive quarters.	2.0	WL, NOV	§7-2-1-08.G
P-21	Failure to properly maintain pretreatment equipment – 3rd occurrence in any two consecutive quarters.	4.0	WL, NOV	§7-2-1-08.G
P-22	Failure to maintain cleaning and maintenance records – 1st occurrence.	1.0	WL, NOV	§7-2-1-4.I
P-23	Failure to maintain cleaning and maintenance records – 2nd occurrence within any two consecutive quarters.	2.0	WL, NOV	§7-2-1-4.I
P-24	Failure to maintain cleaning and maintenance records – 3rd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-4.I
P-25	Failure to develop and/or implement accidental discharge/slug control plan – 1st occurrence.	0.5	WL	40 CFR § 403.8(f)(2)(vi)
P-26	Failure to develop and/or implement accidental discharge/slug control plan – 2nd occurrence within any two consecutive quarters.	2.0	WL, NOV	40 CFR § 403.8(f)(2)(vi)
P-27	Failure to develop and/or implement accidental discharge/slug control plan – 3rd occurrence within any two consecutive quarters.	4.0	WL, NOV	40 CFR § 403.8(f)(2)(vi)
P-28	Discharge of hauled waste into POTW without discharge permit – 1st occurrence.	4.0	NOV, AO, CEASE and DESIST	§7-2-1-42.B
P-29	Illegal disposal of pretreatment sludge and other material.	4.0	NOV, AO, CEASE and DESIST	§7-2-1-6
P-30	Failure to submit sampling results to the City before the last day of a respective quarter – 1st occurrence.	1.0	WL, NOV	§7-2-1-10.B
P-31	Failure to submit sampling results to the City before the last day of a respective quarter – 2nd occurrence within any two consecutive quarters.	2.0	WL, NOV	§7-2-1-10.B
P-32	Failure to submit sampling results to the City before the last day of a respective quarter – 3rd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-10.B
P-33	Failure to obtain wastewater discharge permit - discharge occurring.	2.0	WL, NOV	§7-2-1-49
P-34	Failure to notify Water Services Director of significant changes to wastewater prior to changed discharge.	4.0	NOV, AO, Revocation of permit	§7-2-1-11.D
P-35	Failure to provide prior notification to the Water Services Director of changed conditions.	4.0	NOV, AO, Revocation of permit	§7-2-1-11.D
P-36	Misrepresentation or failure to fully disclose all relevant facts in wastewater discharge permit application.	4.0	NOV, AO, Revocation of permit	§7-2-1-50.C
P-37	Falsifying self-monitoring reports.	4.0	NOV, AO, Revocation of permit	§7-2-1-19
P-38	Refusing to allow the Water Services Director timely access to the facility premises and records.	4.0	NOV, AO, Revocation of permit	§7-2-1-16.A

P-39	Failure to immediately notify of potential problems.	1.0	WL, NOV	§7-2-1-11.B
P-40	Failure to submit detailed written report within 5 days following discharge violation.	1.0	WL, NOV	§7-2-1-11.C
P-41	Failure to post notification information of POTW in the event of an accidental discharge, non-routine discharge, or slug load which may impact the POTW.	2.0	WL, NOV	§7-2-1-11.B
P-42	Failure to notify Water Services Director within 24 hours of becoming aware of violation – 1st occurrence.	1.0	WL, NOV	§7-2-1-11.E
P-43	Failure to notify Water Services Director within 24 hours of becoming aware of violation – 2nd occurrence within any two consecutive quarters.	2.0	WL, NOV	§7-2-1-11.E
P-44	Failure to notify Water Services Director within 24 hours of becoming aware of violation – 3rd occurrence within any two consecutive quarters.	4.0	NOV, AO	§7-2-1-11.E
P-45	Failure to notify of discharge of hazardous waste.	2.0	WL, NOV	§7-2-1-11.G
P-46	Improper test method conducted – 1st occurrence.	0.50	WL, NOV	§7-2-1-10.E
P-47	Improper test method conducted – 2nd occurrence within any two consecutive quarters.	1.0	WL, NOV	§7-2-1-10.E
P-48	Improper test method conducted – 3rd occurrence within any two consecutive quarters.	2.0	WL, NOV	§7-2-1-10.E
P-49	Failure to apply for renewal of discharge permit within 90 days of permit expiration.	2.0	WL, NOV	§7-2-1-50.B
P-50	Failure to apply for renewal of discharge permit within 90 days of permit expiration – 2nd notice.	4.0	WL, NOV, AO	§7-2-1-50.B
P-51	FAILURE FOR WASTE HAULER TO COMPLETE CITY PROVIDED MANIFEST FORM FOR EACH SCAVENGER WASTE LOAD TO THE CITY WASTEWATER SYSTEM. – 1 ST NOTICE	1.0	WL	§7-2-1-42.D
P-52	FAILURE FOR WASTE HAULER TO COMPLETE CITY PROVIDED MANIFEST FORM FOR EACH SCAVENGER WASTE LOAD TO THE CITY WASTEWATER SYSTEM. – 2 ND NOTICE	2.0	WL, NOV	§7-2-1-42.D
P-53	FAILURE FOR WASTE HAULER TO COMPLETE CITY PROVIDED MANIFEST FORM FOR EACH SCAVENGER WASTE LOAD TO THE CITY WASTEWATER SYSTEM. – 3 RD NOTICE	4.0	WL, NOV, AO	§7-2-1-42.D
P-54	DISCHARGING SCAVENGER WASTES INTO THE SEWAGE SYSTEM FROM OUTSIDE COCONINO COUNTY – 1 ST NOTICE	1.0	WL	§7-2-1-42.A
P-55	DISCHARGING SCAVENGER WASTES INTO THE SEWAGE SYSTEM FROM OUTSIDE COCONINO COUNTY – 2 ND NOTICE	2.0	WL, NOV	§7-2-1-42.A
P-56	WASTE HAULER CAUSING DAMAGE OR INTERFERENCE TO THE POTW WHEN DISCHARGING SCAVENGER WASTES.	2.0	WL, NOV, AO	§7-2-1-42.G
P-57	FAILURE OF WASTE HAULER TO PAY WASTE DISPOSAL CHARGES.	2.0	NOV, AO	§7-2-1-42.1.C
P-58	FAILURE FOR WASTE HAULER TO INSTALL SAMPLING OUTLETS APPROVED BY FLAGSTAFF WATER SERVICES ON EACH TRUCK FOR PROPER SAMPLING OF CONTENTS – 1 ST NOTICE	1.0	WL, NOV	§7-2-1-42.I
P-59	FAILURE FOR WASTE HAULER TO INSTALL SAMPLING OUTLETS APPROVED BY FLAGSTAFF WATER SERVICES ON EACH TRUCK FOR PROPER SAMPLING OF CONTENTS – 2 ND NOTICE	2.0	WL, NOV	§7-2-1-42.I

P60	FAILURE FOR WASTE HAULER TO PROVIDE ALL INFORMATION FOR EACH VEHICLE FOR A SCAVENGER WASTE PERMIT TO DISCHARGE	2.0	WL, NOV	§7-2-1-42.B
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Table B, Part 3: Stormwater Violations

Code	Violation	Points	Enforcement Response	Code Reference
SW-1	Discharging any substance to the public right-of- way and/or the public storm drain system that is not composed entirely of storm water – 1st occurrence (non-domestic).	2.0	WL, NOV	§12-03-001-0007
SW-2	Discharging any substance to the public right-of- way and/or the public storm drain system that is not composed entirely of storm water – 2nd or greater occurrence (non-domestic).	4.0	WL, NOV	§12-03-001-0007
SW-3	Discharging any substance to the public right-of- way and/or the public storm drain system that is not composed entirely of storm water (domestic) – 1st occurrence.	2.0	Provide BMP pamphlet, WL, NOV	§12-03-001-0007
SW-4	Discharging any substance to the public right-of- way and/or the public storm drain system that is not composed entirely of storm water (domestic) – 2nd or greater occurrence within any two consecutive quarters	4.0	NOV, AO	§12-03-001-0007
SW-5	Improper use, storage, spill, dump of material in a manner which could cause or contribute to the addition of pollutants to the storm system – 1st occurrence.	2.0	WL, NOV	§12-03-001-0007
SW-6	Improper use, storage, spill, dump of material from a commercial/industrial activity in a manner which could cause or contribute to the addition of pollutants to the storm system – 2nd or greater occurrence within any two consecutive quarters.	4.0	NOV, AO	§12-03-001-0007
SW-7	Establishment, use, maintenance, or continuance of any connection to the public storm sewer system which has caused or will likely cause a violation.	1.0	WL, NOV	§12-03-001-0009
SW-8	Failure to remove any connection to the public storm drain system.	2.0	AO	§12-03-001-0009
SW-9	Failure to clean up any release or discharge which may result in pollutant(s) entering the public storm drain system.	1.0	WL, NOV	§12-03-001-0014
SW-10	Failure to notify the City of discharge or release of pollutant into the public storm drain system.	2.0	WL, NOV	§12-03-001-0014
SW-11	Failure to implement or maintain BMP(s) (non-construction).	1.0	WL, NOV	Flagstaff Stormwater Management Design Manual

SW-12	Failure to implement or maintain BMP(s) (construction).	2.0	WL, NOV, AO	Flagstaff Stormwater Management Design Manual
SW-13	Discharge of exempt discharges that are determined to be a significant source of pollutants or could place the City in violation with its AZPDES Permit.	2.0	WL, NOV	§12-03-001-0007
SW-14	FAILURE TO COMPLY WITH DEVELOPMENT OR CONSTRUCTION REQUIREMENTS IN A SFHA WITHOUT APPROVED FLOODPLAIN USE PERMITS.	2.0	WL, NOV, AO	§12-01-001-0005
SW-15	IMPROPER STORAGE OR PROCESSING OF MATERIALS THAT ARE, IN TIME OF FLOODING, BUOYANT, FLAMMABLE, EXPLOSIVE, TOXIC, OR COULD BE INJURIOUS TO HUMAN, ANIMAL, OR PLANT LIFE IN A SPECIAL FLOOD HAZARD AREA.	1.0	WL, NOV	§12-01-001-0006.2
SW-16	IMPROPER PLACEMENT OF WATER SUPPLY OR SANITARY SEWAGE SYSTEM IN A DESIGNATED SHFA.	1.0	WL, NOV	§12-01-001-0006.3
SW-17	FAILURE TO MEET OBLIGATIONS TO PROVIDE, MANAGE, MAINTAIN, AND OPERATE ON-SITE STORMWATER SYSTEMS AND FACILITIES SUFFICIENT TO COLLECT, CONVEY, DETAIN, CONTROL, AND DISCHARGE STORMWATER IN A SAFE MANNER CONSISTENT WITH ALL CITY DEVELOPMENT REGULATIONS.	1.0	WL, NOV	§12-02-001-0007

City of Flagstaff

Water Services Division

Enforcement Response Plan

Table of Contents

Contents

I. PURPOSE.....	1
III. DEFINITIONS.....	2
IV. DESCRIPTION OF ENFORCEMENT ACTIONS.....	4
V. CROSS CONNECTION CONTROL: ENFORCEMENT RESPONSE.....	6
VI. PRETREATMENT: ENFORCEMENT RESPONSE.....	7
VII. STORMWATER: ENFORCEMENT RESPONSE.....	8
VIII. POINTS ASSESSMENT CRITERIA.....	10
IX. ADMINISTRATIVE FINE SCHEDULE.....	11
TABLE A.....	11
TABLE B.....	12

I. PURPOSE

The ERP is intended to enforce the Flagstaff City Code in an equitable and consistent manner as follows:

- To ensure compliance with Title 7, Chapter 1; Title 7, Chapter 2; Title 7, Chapter 3; and Title 12, Chapter 3 of City Code and the Small Municipal Separate Storm Sewer System (MS4) General Permit and to protect public health and safety;
- To provide guidance in enforcement responses that are appropriate to the nature and severity of the violation;
- To establish guidelines that encourage fair and uniform application of enforcement responses to varying types of violations;
- To describe the mechanism to review the appropriateness of responses; and
- Assign points to violations based on their nature and severity for which administrative penalties will be assessed.

II. LEGAL AUTHORITY

This Enforcement Response Plan (ERP) specifies how the City of Flagstaff (“City”) will investigate and respond to instances of noncompliance with the following Articles of the Flagstaff City Code:

Title 7, Chapter 1: Water Services
Title 7, Chapter 2: Wastewater Regulations
Title 7, Chapter 3: City Water System Regulations
Title 12, Chapter 3: Illicit Discharge Detection and Elimination

This ERP was developed in accordance with 40 CFR Section 403.8(f)(5); Flagstaff City Code, Title 7, Chapter 1, Water Services; Title 12, Chapter 3, Illicit Discharge Detection and Elimination and with the requirements of AZPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) to Water of The United States, Permit No. AZG2016-002.

III. DEFINITIONS

In this Enforcement Response Plan, the following words and phrases shall have the following meanings, unless the context otherwise requires:

AO or Administrative Order: A consent order, a compliance order, or a cease and desist order issued by the City of Flagstaff.

ADEQ: Arizona Department of Environmental Quality.

ARS: Arizona Revised Statutes.

AZPDES: Arizona Pollutant Discharge Elimination System.

BMP: Best Management Practices.

Administrative Enforcement: Legal, independently enforceable orders issued directly by Flagstaff officials that define the violation, provide evidence of the violation, impose Administrative Fines and/or require the RP to take corrective action within a specified time period.

Administrative Fine: Civil penalty assessed through Administrative Enforcement.

CFR: Code of Federal Regulations.

Due Date: Date by which report or action is to be completed.

EPA: U.S. Environmental Protection Agency.

Harm Caused: POTW process upset/inhibition/disruption of normal operation and/or adverse change in POTW effluent, adverse change in POTW sludge (bio-solids) characteristics/concentrations; a discharge into the MS4 which results in a violation of the AZPDES Stormwater Permit; and/or adverse impact on the environment.

IDDE: Illicit Discharge Detection and Elimination.

MS4: Municipal Separate Storm Sewer System

NOV: Notice of Violation *or* Notification of Violation issued to the responsible property and/or business owner.

Person: An individual, corporation, entity, or organization.

POTW: Publicly Owned Treatment Works.

RP: Responsible Party; the owner and/or operator of the property where a violation occurs.

Show Cause Hearing: A formal meeting requiring the RP to appear, explain noncompliance, a show cause why more severe enforcement actions against the RP should not go forward. The meeting may also serve as a forum to discuss corrective action and compliance schedules

SNC or Significant Non-Compliance: (a) In order to comply with the public participation requirements of 40 CFR Part 25 in the enforcement of National Pretreatment Standards, for nondomestic users permitted to discharge wastewater, the definition of significant non-compliance shall have the same meaning as set forth by 40 CFR 403.8(f)(2)(viii) and Section 7-02-001-0020 of the Flagstaff City Code; (b) For Violations of Title 12, Chapter 3, Illicit Discharge Detection and Elimination; and Title 7, Chapter 02, Wastewater Regulations, the RP shall be determined to be in SNC if the RP accumulates four or more points at any time during the previous six (6) months preceding the end of a quarter.

Significant Violation: A Significant Violation is defined as a violation with an assessed value of 4 points as defined in Section IX of this ERP.

SWPPP: Stormwater Pollution Prevention Plan

WL: Warning Letter.

Violation: Non-compliance with the Flagstaff City Code.

IV. DESCRIPTION OF ENFORCEMENT ACTIONS

The following criteria will be considered when determining enforcement:

- Type of violation: minor, significant
- Severity of the violation: the duration, quality, and quantity of pollutants, and effect on public safety and the environment
- Apparent good faith of the site operator
- The potential deterrent value of the enforcement action

INFORMAL NOTICE

1. Inspection Report

Responsible City Authority – Pretreatment Inspector or Watershed Specialist Timeframe – At time of inspection or within a maximum of five (5) business days of inspection

An Inspection Report is prepared by the Pretreatment Inspector or Watershed Specialist after a site visit. The report can include recommendations and education materials to address minor issues, before they become violations, as deemed necessary by the inspector. Educational handouts and additional documented verbal instructions may be provided with the Inspection Report.

2. Warning Letter

Responsible City Authority – Pretreatment Inspector or Watershed Specialist

Timeframe – At time of inspection or within a maximum of five (5) business days of inspection

The Warning Letter is the initial documentation to address minor violations. A Warning Letter may be issued by the inspector to the on-site representative at the time of the inspection or can be used after the inspection to follow-up on minor issues addressed in the Inspection Report. No enforcement action is typically taken if the issues listed in the Warning Letter are corrected immediately or within a timeframe deemed appropriate by the inspector.

ESCALATING ENFORCEMENT

1. Notice of Violation or Corrective Action

Responsible City Authority – Regulatory Compliance Manager or Stormwater Manager

Timeframe – Decision to issue within 10 business days of discovery

A written NOV or Corrective Action may be issued if the RP fails to comply with a Warning Letter or if there is a significant violation of City Code. The NOV or Corrective Action will include a written notice on specific violations to City Code and include a timeline for correction. If the RP has corrected the violation(s) in the timeframe specified in the NOV or Corrective Action the NOV or Corrective Action will be closed. Enforcement response will be escalated if the RP has not been in contact with Flagstaff Water Services to develop an alternative, mutually acceptable plan to reach compliance or if the NOV or Corrective Action conditions have not been met. Closure of an NOV or Corrective Action shall not preclude the City from taking further enforcement action if additional information regarding the alleged violations is discovered, or if further violations occur.

2. Administrative Order

Responsible City Authority - Water Services Director

An Administrative Order is an enforcement document to direct the RP to undertake and/or cease specified activities by specified deadlines. The Administrative Order may incorporate a Cease and Desist or Stop Work Order, revocation of City issued permit, or a Show Cause Hearing. At its sole discretion, the City may also correct the deficiency or hire a contractor to correct the deficiency and require reimbursement from the RP to the City for all costs incurred in correcting the violation. The City may also assess an Administrative Fine or Civil Penalty in the Administrative Order for instances of continued noncompliance as directed in this ERP.

3. Administrative Fines/Civil Penalties

Responsible City Authority - Water Services Director

Civil penalties are punitive monetary charges assessed by the City rather than a court. The purpose of the penalty is to recover the economic benefit of noncompliance and to deter future violations. When assessing a civil penalty, the following factors are considered:

- a. Type and severity of the violation
- b. Number of violations cited
- c. Duration of noncompliance
- d. Impact of the violation on the receiving water, sludge quality, and POTW operation
- e. Whether the violation threatened public health
- f. Economic benefit or savings the RP gained from the noncompliance
- g. Compliance history of the RP
- h. Whether the RP is making a good faith effort to comply

4. Civil Litigation

Responsible City Authority - City Attorney

Civil litigation is the formal process whereby the City files a lawsuit against the RP to secure court ordered action to correct violations and to secure penalties for the violations including recovery of costs for the noncompliance. Civil litigation also includes enforcement measures which require involvement or approval of the court, such as injunctive relief.

In emergency situations caused by violations, including imminent danger to the public health, safety, or welfare, and endangerment to City personnel or the environment, the Stormwater Manager or Regulatory Compliance Manager may escalate directly to a NOV, and recommend to the Water Services Director to go directly to an Administrative Order or Civil Litigation Action. Any violations deemed as significant will be published in the largest local newspaper, in accordance with City Code.

V. CROSS CONNECTION CONTROL: ENFORCEMENT RESPONSE

Investigation of noncompliance will be conducted by the Industrial Pretreatment Inspectors and/or the Industrial Pretreatment Supervisor. The methods used to investigate and to determine noncompliance may include, but are not limited to:

1. Respond to complaints received from the public;
2. On-site inspections of the nondomestic user, including scheduled and unscheduled visits;
3. Scheduled and unscheduled testing of nondomestic users' backflow assemblies;
4. Maintain database of City approved certified backflow testers;
5. Conduct surveillance of testers to verify test procedures are being followed;
6. Review water purchase records and use of water of nondomestic users;
7. Review backflow assembly test results.
8. REQUIRE THAT THE TESTER SHALL PROVIDE A COPY OF THE TEST REPORT TO THE CUSTOMER AND TO THE CITY OF FLAGSTAFF INDUSTRIAL PRETREATMENT SECTION WITHIN FIVE (5) WORKING DAYS FROM THE DATE OF THE TEST AND SHALL MAINTAIN A COPY FOR THEIR RECORDS FOR AT LEAST THREE (3) YEARS.

The City will respond to inspections and violations of Title 7, Chapter 3, Section 001-0015, as follows:

1. Inspection Report
 - a. Contact by inspector;
 - b. Provide educational material of BMPs and Flagstaff City Code requirements and/or prohibitions;
2. Warning letter;
3. NOV;
4. Administrative Orders;
5. Administrative Fines;
6. Civil enforcement action, including injunctive relief and criminal prosecution.

VI. PRETREATMENT: ENFORCEMENT RESPONSE

The City will respond to violations of Title 7, Chapters 1, 2 and 3, as follows:

1. Inspection Report (7-02-001-0016)
 - a. Contact by inspector;
 - b. Provide educational material of BMP and Flagstaff City Code requirements and/or prohibitions;
2. Warning letter;
3. NOV (7-01-001-0012);
4. Administrative Orders (7-01-001-0013), which may include:
 - a. Modification of wastewater discharge permits;
 - b. Affirmative obligations, such as increased monitoring;
 - c. Prohibited actions or obligations to cease and desist;
 - d. Suspension of access to the City Collection System (7-02-001-0021);
 - e. Revocation of permit (7-01-001-0012.E);
5. Administrative Fines (7-01-001-0018);
6. Civil enforcement action, including injunctive relief and criminal prosecution (7-01-001-0019).

VII. STORMWATER: ENFORCEMENT RESPONSE

The City will use City Code, permits, and penalties to enforce stormwater violations. The City has separated stormwater into four general categories for violations: construction sites; illicit discharges or connections to the City's MS4; grading/drainage; and post-construction. Potential RPs for violations include property owners, contractors, developers, businesses, industries, private citizens, and other governmental agencies. The general categories for stormwater violations are:

1. Construction Site Stormwater Control

Developers and contractors working in the City are required to obtain all required permits and adhere to City development processes. Under the Small MS4 General Permit, the City is required to assure all construction sites control and contain sediment and construction site materials, debris, and wastes on the construction site using stormwater control measures or BMPs, as applicable. Construction sites that disturb over one acre, as well construction sites under one acre that construction activity is part of a larger common plan of development or sale that would disturb one acre or more, are required to submit an Erosion Control Plan (ECP) that outlines which types of BMPs will be installed and where. These sites are required to install their BMPs and have the Watershed Specialist or Stormwater Project Manager inspect and approve the site prior to earthwork commencing; and must maintain BMPs through the life of the project.

2. Illicit Discharges/Illicit Connections

City Code prohibits the discharge of contaminated stormwater, wastes, or wastewater to enter storm drains or receiving waters through illicit discharges or illegal connections to the storm sewer system. The purpose of this is to provide for public health and safety as required under federal and state law. An illicit discharge is defined as any discharge to a MS4 that is not composed entirely of stormwater, with the exception of allowable non-stormwater discharges and separately permitted discharges. Illicit connections are defined as any man-made conveyance that connects an illicit discharge directly to the MS4. The City is required to implement a program to minimize, detect, investigate, and eliminate illicit discharges and connections, including unauthorized non-stormwater discharges and spills, into the MS4 system.

3. Grading/Drainage Violations

There are stormwater requirements for new development and redevelopment projects. Depending upon the stormwater requirements for a specific project, volume and peak flow controls must be installed prior to increasing horizontal impervious surface on a site. These projects are required to have a Rough Grading Certification signed by the Engineer of Record, Grading Contractor, Geotechnical Engineer, and Surveyor, as applicable and approved by the City prior to installing impervious surface on a site. The certification affirms that rough grading substantially performs in accordance with the approved grading plan and that the SWPPP and/or ECP measures are in place per the approved plans. Work observed includes but is not limited to: all disturbed areas, locations that will be paved; cut and fill slopes; channels, swales, Low Impact Development (LID) features, terraces, berms, all drainage facilities as indicated on the plan(s), detention basins including the completed associated outlet structure(s). Projects are also required to submit, and have approved by the City, a Final Grading Certificate and As-Built Plans prior to receiving Certificate of Occupancy.

4. **Post-Construction Best Management Practices (BMPs)/Facilities**

The City of Flagstaff Stormwater Design Manual requires detention LID to mitigate stormwater impacts from new development and redevelopment based on certain criteria. Per the Stormwater Design Manual: “Maintenance of local on-site detention facilities shall be the responsibility of the property owner or homeowner's association. The City shall reserve the right to periodically inspect any detention facilities to verify that regular maintenance activities are being performed.”

The City will respond to inspections and violations of Title 12, Chapter 03, as follows:

1. Inspection Report:
 - a. Contact by Watershed Specialist and/or Stormwater Project Manager;
 - b. Provide educational material of BMP and Flagstaff City Code requirements and/or prohibitions;
2. Warning letter;
3. Corrective Action Letter;
4. Issuance of Administrative Order, which may include:
 - a. Cease and Desist or Stop Work Order (SWO);
 - b. Any means necessary to abate an incident to protect the public health, safety or the environment and charging all costs of such abatement to the violator;
 - c. Written order to immediately remove pollutant or pollutant source or potential pollutant sources from MS4 and to restore City of Flagstaff property to conditions acceptable to the Water Services Director or his delegated representative;
 - d. Affirmative obligations; i.e., increased sweeping or track out pad maintenance,
5. Administrative Fines;

VIII. POINTS ASSESSMENT CRITERIA

INTRODUCTION

In order to apply enforcement in an equitable and consistent manner, violation points have been developed for each classification of violation, minor or significant as determined by the Inspector or Watershed Specialist. (See Table B.) Points for violations have been assigned depending upon the severity of the violation; the potential for environmental, public, or employee harm; or facility damage that may result from a violation, and the cost of the violation to the City and its operations. Each violation by an RP shall result in points being assigned to that RP.

When an RP's total points in any two consecutive quarters equals or exceeds 4.0 points, Administrative Fines will be assessed against the RP. The fines will be assessed in the amounts specified on Table A.

ASSESSMENT OF POINTS

1. When violations are discovered, the assessed points shall be applied to the RP.
2. Significant Non-Compliance is calculated at the end of every quarter for the six (6) months preceding the end of the quarter:

<u>Compliance Review Date(s)</u>	<u>Period of Review</u>
April	October 1 of previous year through March 31 of current year
July	January 1 through June 30 of current year
October	April 1 through September 30 of current year
January	July 1 through December 31 of previous year

3. When the total number of points equals or exceeds four (4) points in one quarter and equals or exceeds four (4) points in a consecutive quarter, the Water Services Director or his delegated representative shall assess Administrative Fines or Civil Penalties consistent with this ERP and determine other appropriate enforcement actions which may include revocation of the Permit, if applicable; publication of those in significant noncompliance; and/or termination of service or cease and desist orders.
4. If a permit or property is conveyed, points associated with that permit or property do not convey to the new permit holder or owner unless the new holder/owner is related to the previous holder/owner or unless it appears that the conveyance is an attempt to avoid enforcement.
5. A single operational upset or activity, which leads to simultaneous violations of more than one pollutant parameter, may be treated as a single violation for point assessment, provided there is no Harm Caused.

IX. ADMINISTRATIVE FINE SCHEDULE

ADMINISTRATIVE FINES FOR POINTS ASSESSED

As a result of significant noncompliance (SNC) determined by the Stormwater Manager or Regulatory Compliance Manager, when an RP is assessed four (4) or more points in one quarter and assessed four (4) or more points during any consecutive quarter, the Water Services Director in conjunction with the City Attorney will assess an Administrative Fine with a base value of \$2500.

In addition to the base Administrative Fine, each quarter (0.25) point assessed in excess of 4 points shall be assigned a value of \$156.25. For each quarter point, the following values will be applied:

TABLE A

0.25	0.50	0.75	1.0	1.25	1.50	1.75	2.0
\$156.25	\$312.50	\$468.75	\$625.00	\$781.25	\$937.50	\$1,093.75	\$1,250.00
2.25	2.50	2.75	3.0	3.25	3.50	3.75	4.0
\$1,406.25	\$1,562.50	\$1,718.75	\$1,875.00	\$2,031.25	\$2,187.50	\$2,343.75	\$2,500.00

Following an SNC and the imposition of the base fine, each subsequent violation during the same consecutive two-quarter period shall be assessed a fine based on the quarter-point increment schedule. For subsequent violations, all points assessed during the two-quarter period are used to determine whether a penalty will be assessed, but the amount of the penalties are only assessed on points for which penalties were not previously assigned; i.e., no double billing for points assessed. At any time the accumulated points total less than four points for any consecutive two-quarter period, fines will not be assessed for that period.

Data used to determine compliance shall be maintained in accordance with the City’s record retention policy and applicable state or federal regulations.

RECONSIDERATION OF THE FINE

If the RP desires to dispute an assessed Administrative Fine, the RP must file a written request for the Water Services Director to reconsider the Administrative Fine along with full payment of the Administrative Fine within 15 days of being notified of the fine.

PUBLICATION OF RP IN SIGNIFICANT NONCOMPLIANCE

The Water Services Director shall publish at least annually in a newspaper of general circulation a list of RPs which, at any time since the list was last published, were in Significant Non-Compliance.

Industrial Users found to be in Significant Non-Compliance shall be published in accordance with 40 CFR 403.8(f)(2)(viii)(A-H).

TABLE B

Any violation of ordinance not specified in Table B may be awarded points at the discretion of the Water Services Director.

The description of the violation is for ease of reference only. For the specific violation, consult the corresponding ordinance section cited.

Table B, Part 1: Cross Connection Control Violations

Code	Violation	Points	Enforcement Response	Code Reference
CC-1	Incorrect installation of assembly	0.5	WL, NOV	§7-3-1-45.C.4 and F.3
CC-2	Incorrect size of assembly installed	1.0	WL, NOV	§7-3-1-45.C.4 and F.2
CC-3	Installation of by-pass or tampering with assembly	2.0	WL, NOV	§7-3-1-45.F.11
CC-4	Incorrect type of assembly and/or valves installed	1.0	WL, NOV	§7-3-1-45.E
CC-5	Installation of a non-approved assembly	1.0	WL, NOV	§7-3-1-45.D
CC-6	Failure to install assembly after notification issued – 1st occurrence	1.0	WL, NOV	§7-3-1-45.C.3 and F.12
CC-7	Failure to install assembly after notification issued – 2nd occurrence	2.0	WL, NOV	§7-3-1-45.C.3 and F.12
CC-8	Failure to install assembly after notification issued – 3rd occurrence, discontinuance of service	4.0	WL, NOV, AO	§7-3-1-45.C.3 and F.12
CC-9	Failure to maintain records of tests and/or repair	1.0	WL, NOV	§7-3-1-45.C.3 and J.9
CC-10	Failure to conduct annual testing - 1st occurrence	1.0	WL, NOV	§7-3-1-45.C.3 and J.1
CC-11	Failure to conduct annual testing - 2nd occurrence	2.0	WL, NOV	§7-3-1-45.C.3 and J.1
CC-12	Failure to conduct annual testing – 3rd occurrence	3.0	NOV	§7-3-1-45.C.3 and J.1
CC-13	Failure to notify of removal	1.0	WL, NOV	§7-3-1-45.F.6
CC-14	Failure to conduct initial test	1.0	WL, NOV	§7-3-1-45.C.5
CC-15	Failure to conduct test by certified tester	1.0	WL, NOV	§7-3-1-45.J.4
CC-16	Failure to re-test after repair, etc., of assembly	2.0	WL, NOV	§7-3-1-45.J.3
CC-17	Failure to maintain system open for inspection	2.0	WL, NOV	§7-3-1-45.H.1
CC-18	Failure to notify after repair, relocation or replacement	2.0	WL, NOV	§7-3-1-45.F.3

Table B, Part 2: Pretreatment Violations

Code	Violation	Points	Enforcement Response	Code Reference
P-1	Allow a prohibited discharge into the POTW which causes pass through or interference – 1st occurrence.	2.0	WL, NOV	§7-2-1-7.B.1
P-2	Allow a prohibited discharge into the POTW which causes pass through or interference – 2nd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-7.B.1
P-3	Allow a prohibited discharge into the POTW – 1st occurrence.	2.0	WL, NOV	§7-2-1-7.B
P-4	Allow a prohibited discharge into the POTW – 2nd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-7.B
P-5	Discharge from nondomestic source without a permit.	2.0	WL, NOV	§7-2-1-49
P-6	Discharge from nondomestic source without a permit – 2nd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-49
P-7	No warning of possible connection or entry point for a hazardous and/or prohibited substance to the permittee’s plumbing or drainage system.	2.0	WL, NOV	§7-2-1-51.C
P-8	Violation of Local or Categorical limit - 1st occurrence.	1.0	WL, NOV	§7-2-1-8.B
P-9	Violation of Local or Categorical limit - 2nd occurrence within any two consecutive quarters.	2.0	NOV	§7-2-1-8.B
P-10	Violation of Local or Categorical limit - 3rd occurrence within any two consecutive quarters.	4.0	NOV	§7-2-1-8.B
P-11	Use of dilution to meet a standard or local limit – 1st occurrence.	2.0	NOV, AO	§7-2-1-8.E
P-12	Use of dilution to meet a standard or local limit – 2nd occurrence within any two consecutive quarters.	4.0	NOV, AO	§7-2-1-8.E
P-13	Tamper, damage, or destroy monitoring equipment.	4.0	NOV, AO Revocation of permit	§7-2-1-3
P-14	Tamper with manhole or unauthorized entry into POTW.	2.0	NOV, AO, CEASE and DESIST	§7-2-1-3
P-15	Tamper with manhole or unauthorized entry into POTW – 2nd occurrence within any two consecutive quarters.	4.0	NOV, AO, CEASE and DESIST	§7-2-1-3
P-16	Tamper with pretreatment device – 1st occurrence.	2.0	NOV, AO, CEASE and DESIST	§7-2-1-3
P-17	Tamper with pretreatment device – 2nd occurrence within any two consecutive quarters.	4.0	NOV, AO, CEASE and DESIST	§7-2-1-3
P-18	Failure to provide pretreatment facilities.	1.0	WL, NOV	§7-2-1-08.G
P-19	Failure to properly maintain pretreatment equipment – 1st occurrence.	1.0	WL, NOV	§7-2-1-08.G

P-20	Failure to properly maintain pretreatment equipment – 2nd occurrence in any two consecutive quarters.	2.0	WL, NOV	§7-2-1-08.G
P-21	Failure to properly maintain pretreatment equipment – 3rd occurrence in any two consecutive quarters.	4.0	WL, NOV	§7-2-1-08.G
P-22	Failure to maintain cleaning and maintenance records – 1st occurrence.	1.0	WL, NOV	§7-2-1-4.I
P-23	Failure to maintain cleaning and maintenance records – 2nd occurrence within any two consecutive quarters.	2.0	WL, NOV	§7-2-1-4.I
P-24	Failure to maintain cleaning and maintenance records – 3rd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-4.I
P-25	Failure to develop and/or implement accidental discharge/slug control plan – 1st occurrence.	0.5	WL	40 CFR § 403.8(f)(2)(vi)
P-26	Failure to develop and/or implement accidental discharge/slug control plan – 2nd occurrence within any two consecutive quarters.	2.0	WL, NOV	40 CFR § 403.8(f)(2)(vi)
P-27	Failure to develop and/or implement accidental discharge/slug control plan – 3rd occurrence within any two consecutive quarters.	4.0	WL, NOV	40 CFR § 403.8(f)(2)(vi)
P-28	Discharge of hauled waste into POTW without discharge permit – 1st occurrence.	4.0	NOV, AO, CEASE and DESIST	§7-2-1-42.B
P-29	Illegal disposal of pretreatment sludge and other material.	4.0	NOV, AO, CEASE and DESIST	§7-2-1-6
P-30	Failure to submit sampling results to the City before the last day of a respective quarter – 1st occurrence.	1.0	WL, NOV	§7-2-1-10.B
P-31	Failure to submit sampling results to the City before the last day of a respective quarter – 2nd occurrence within any two consecutive quarters.	2.0	WL, NOV	§7-2-1-10.B
P-32	Failure to submit sampling results to the City before the last day of a respective quarter – 3rd occurrence within any two consecutive quarters.	4.0	WL, NOV	§7-2-1-10.B
P-33	Failure to obtain wastewater discharge permit - discharge occurring.	2.0	WL, NOV	§7-2-1-49
P-34	Failure to notify Water Services Director of significant changes to wastewater prior to changed discharge.	4.0	NOV, AO, Revocation of permit	§7-2-1-11.D
P-35	Failure to provide prior notification to the Water Services Director of changed conditions.	4.0	NOV, AO, Revocation of permit	§7-2-1-11.D
P-36	Misrepresentation or failure to fully disclose all relevant facts in wastewater discharge permit application.	4.0	NOV, AO, Revocation of permit	§7-2-1-50.C
P-37	Falsifying self-monitoring reports.	4.0	NOV, AO, Revocation of permit	§7-2-1-19
P-38	Refusing to allow the Water Services Director timely access to the facility premises and records.	4.0	NOV, AO, Revocation of permit	§7-2-1-16.A

P-39	Failure to immediately notify of potential problems.	1.0	WL, NOV	§7-2-1-11.B
P-40	Failure to submit detailed written report within 5 days following discharge violation.	1.0	WL, NOV	§7-2-1-11.C
P-41	Failure to post notification information of POTW in the event of an accidental discharge, non-routine discharge, or slug load which may impact the POTW.	2.0	WL, NOV	§7-2-1-11.B
P-42	Failure to notify Water Services Director within 24 hours of becoming aware of violation – 1st occurrence.	1.0	WL, NOV	§7-2-1-11.E
P-43	Failure to notify Water Services Director within 24 hours of becoming aware of violation – 2nd occurrence within any two consecutive quarters.	2.0	WL, NOV	§7-2-1-11.E
P-44	Failure to notify Water Services Director within 24 hours of becoming aware of violation – 3rd occurrence within any two consecutive quarters.	4.0	NOV, AO	§7-2-1-11.E
P-45	Failure to notify of discharge of hazardous waste.	2.0	WL, NOV	§7-2-1-11.G
P-46	Improper test method conducted – 1st occurrence.	0.50	WL, NOV	§7-2-1-10.E
P-47	Improper test method conducted – 2nd occurrence within any two consecutive quarters.	1.0	WL, NOV	§7-2-1-10.E
P-48	Improper test method conducted – 3rd occurrence within any two consecutive quarters.	2.0	WL, NOV	§7-2-1-10.E
P-49	Failure to apply for renewal of discharge permit within 90 days of permit expiration.	2.0	WL, NOV	§7-2-1-50.B
P-50	Failure to apply for renewal of discharge permit within 90 days of permit expiration – 2nd notice.	4.0	WL, NOV, AO	§7-2-1-50.B

Table B, Part 3: Stormwater Violations

Code	Violation	Points	Enforcement Response	Code Reference
SW-1	Discharging any substance to the public right-of- way and/or the public storm drain system that is not composed entirely of storm water – 1st occurrence (non-domestic).	2.0	WL, NOV	§12-03-001-0007
SW-2	Discharging any substance to the public right-of- way and/or the public storm drain system that is not composed entirely of storm water – 2nd or greater occurrence (non-domestic).	4.0	WL, NOV	§12-03-001-0007
SW-3	Discharging any substance to the public right-of- way and/or the public storm drain system that is not composed entirely of storm water (domestic) – 1st occurrence.	2.0	Provide BMP pamphlet, WL, NOV	§12-03-001-0007
SW-4	Discharging any substance to the public right-of- way and/or the public storm drain system that is not composed entirely of storm water (domestic) – 2nd or greater occurrence within any two consecutive quarters	4.0	NOV, AO	§12-03-001-0007
SW-5	Improper use, storage, spill, dump of material in a manner which could cause or contribute to the addition of pollutants to the storm system – 1st occurrence.	2.0	WL, NOV	§12-03-001-0007
SW-6	Improper use, storage, spill, dump of material from a commercial/industrial activity in a manner which could cause or contribute to the addition of pollutants to the storm system – 2nd or greater occurrence within any two consecutive quarters.	4.0	NOV, AO	§12-03-001-0007
SW-7	Establishment, use, maintenance, or continuance of any connection to the public storm sewer system which has caused or will likely cause a violation.	1.0	WL, NOV	§12-03-001-0009
SW-8	Failure to remove any connection to the public storm drain system.	2.0	AO	§12-03-001-0009
SW-9	Failure to clean up any release or discharge which may result in pollutant(s) entering the public storm drain system.	1.0	WL, NOV	§12-03-001-0014
SW-10	Failure to notify the City of discharge or release of pollutant into the public storm drain system.	2.0	WL, NOV	§12-03-001-0014
SW-11	Failure to implement or maintain BMP(s) (non-construction).	1.0	WL, NOV	Flagstaff Stormwater Management Design Manual
SW-12	Failure to implement or maintain BMP(s) (construction).	2.0	WL, NOV, AO	Flagstaff Stormwater Management Design Manual
SW-13	Discharge of exempt discharges that are determined to be a significant source of pollutants or could place the City in violation with its AZPDES Permit.	2.0	WL, NOV	§12-03-001-0007

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Georganna Staskey, Deputy City Clerk
Date: 09/04/2025
Meeting Date: 09/09/2025



TITLE:
County Comprehensive Plan 60 day review

DESIRED OUTCOME:
Information only

Executive Summary:

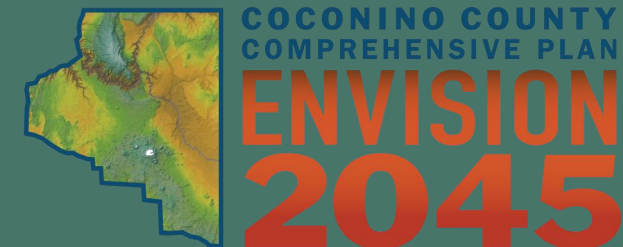
Information:

Attachments: [Presentation](#)

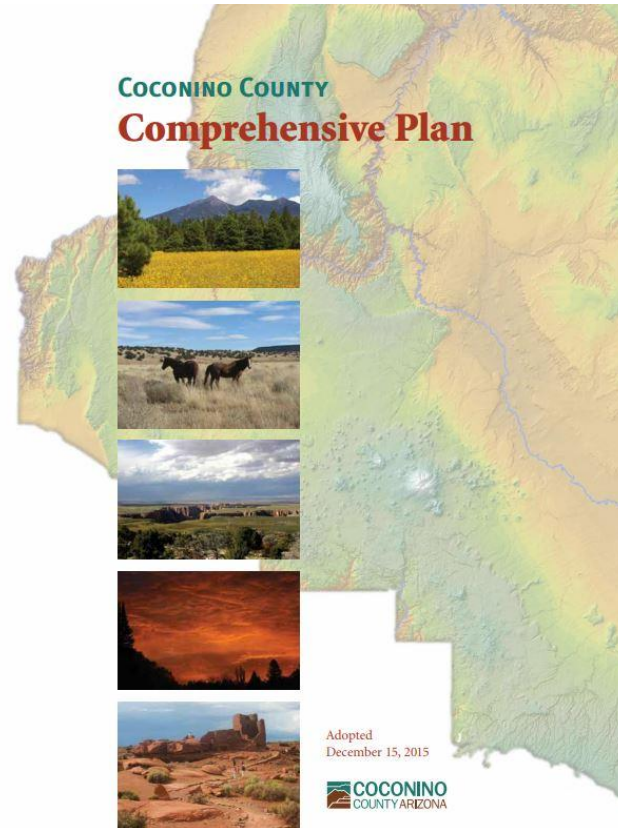


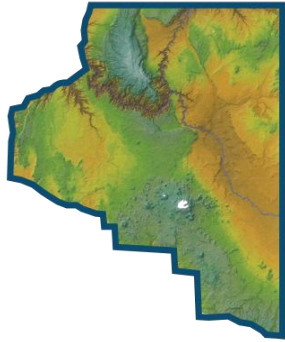
Coconino County Comprehensive Plan Envision 2045

Update for the City of Flagstaff Council
September 9, 2025



Coconino County Comprehensive Plan Adopted in 2015





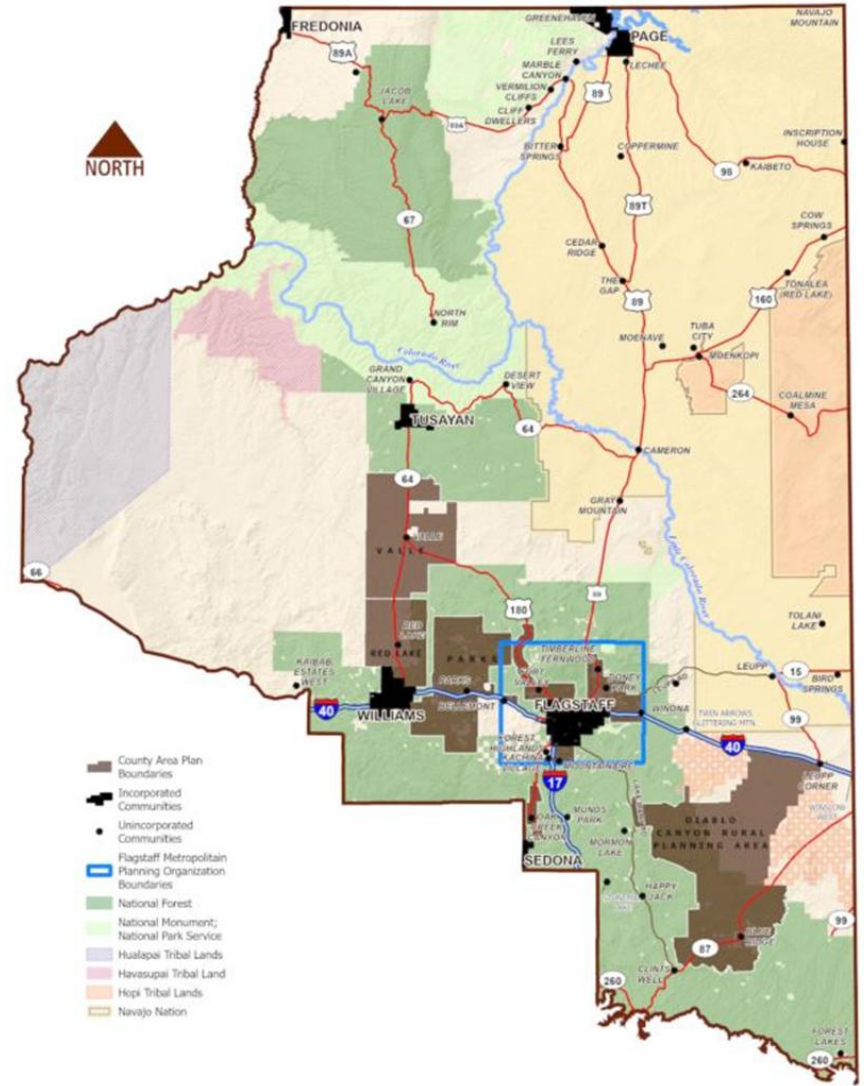
COCONINO COUNTY COMPREHENSIVE PLAN

ENVISION 2045

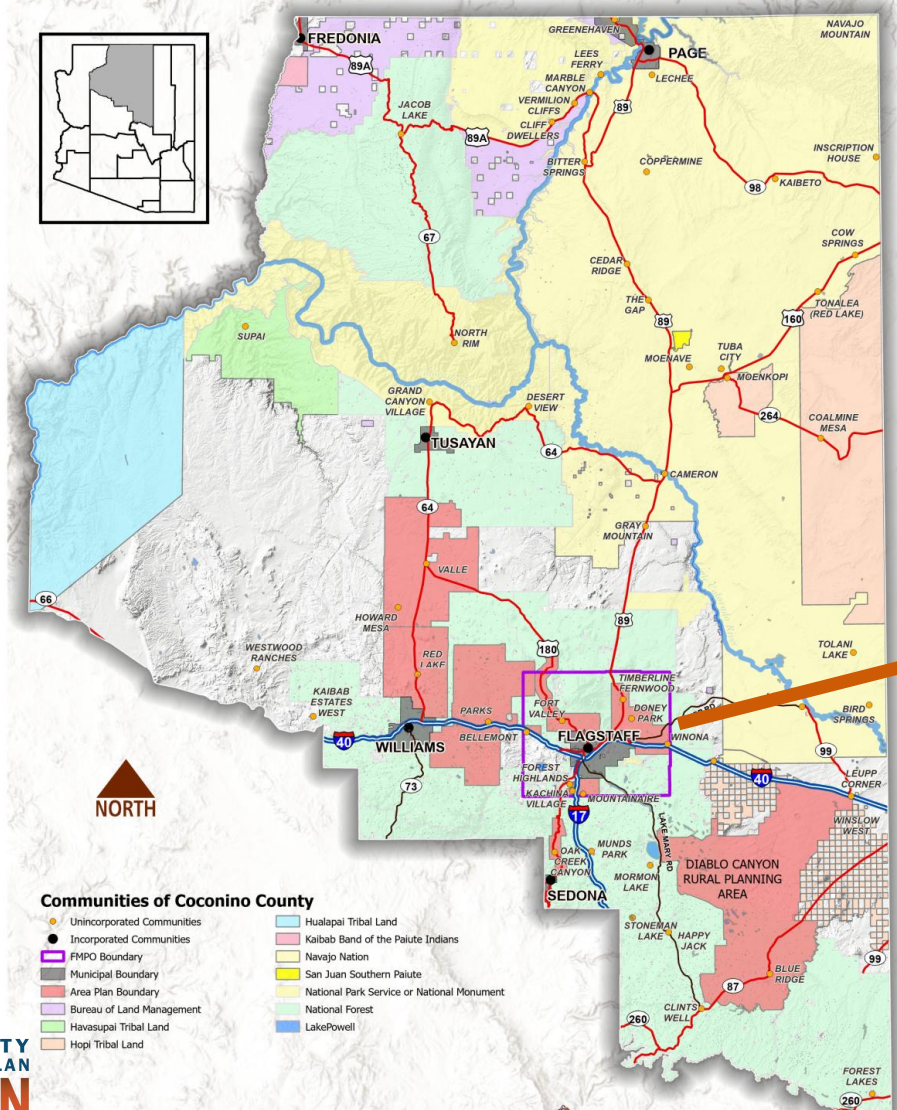
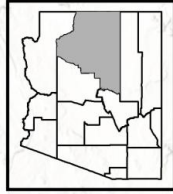
Phase I: Data
Collection and
Analysis –
January 2023 to
December 2023

Phase II:
Educate and
Draft Plan –
Completed Spring
2025

Phase III: Review
Process and Plan
Adoption –
Spring – Fall
2025



Maps in this Comprehensive Plan are for reference and general planning purposes only. Coconino County does not provide any warranty of accuracy nor is any given or implied. Data sources are listed in the Appendix.

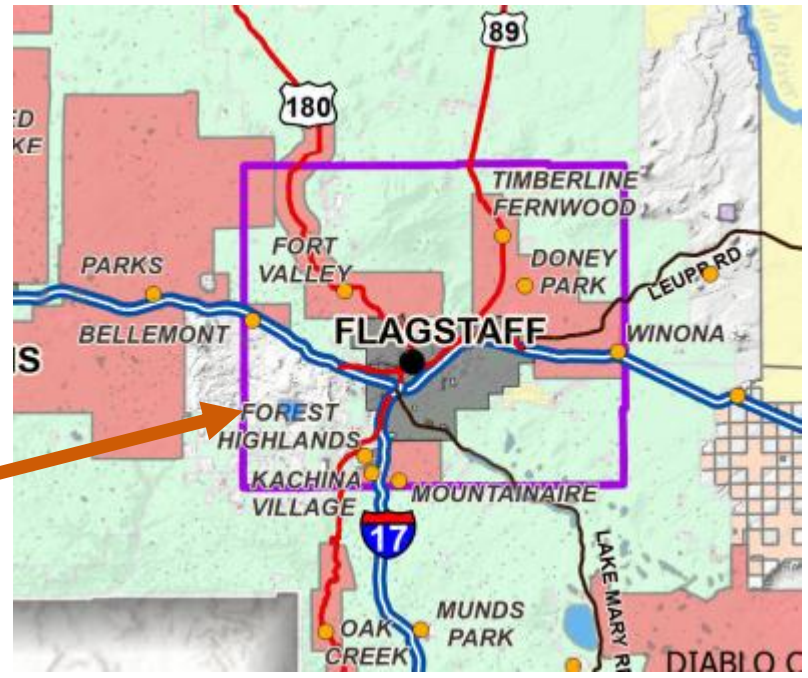


Communities of Coconino County

- Unincorporated Communities
- Incorporated Communities
- ▭ FMPO Boundary
- ▭ Municipal Boundary
- ▭ Area Plan Boundary
- ▭ Bureau of Land Management
- ▭ Havasupai Tribal Land
- ▭ Hopi Tribal Land
- ▭ Hualapai Tribal Land
- ▭ Kaibab Band of the Palute Indians
- ▭ Navajo Nation
- ▭ San Juan Southern Palute
- ▭ National Park Service or National Monument
- ▭ National Forest
- ▭ Lake Powell

Data Sources: Coconino County GIS Dept. 2024. CountyData.SDE.LandOwnership. Geodatabase.

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**COCONINO COUNTY
COMPREHENSIVE PLAN
ENVISION
2045**



Comprehensive Plan, Amendments, Ordinances, and Collaboration



What is new in the Comprehensive Plan?

- A complete update to all chapters
- 58 goals, 179 policies
- A new section on housing
- New water demand projections
- Goal and policy descriptions
- Cross referenced and prioritized Implementation Plan
- Interactive map site
- Organization



Table of Contents

OVERVIEW

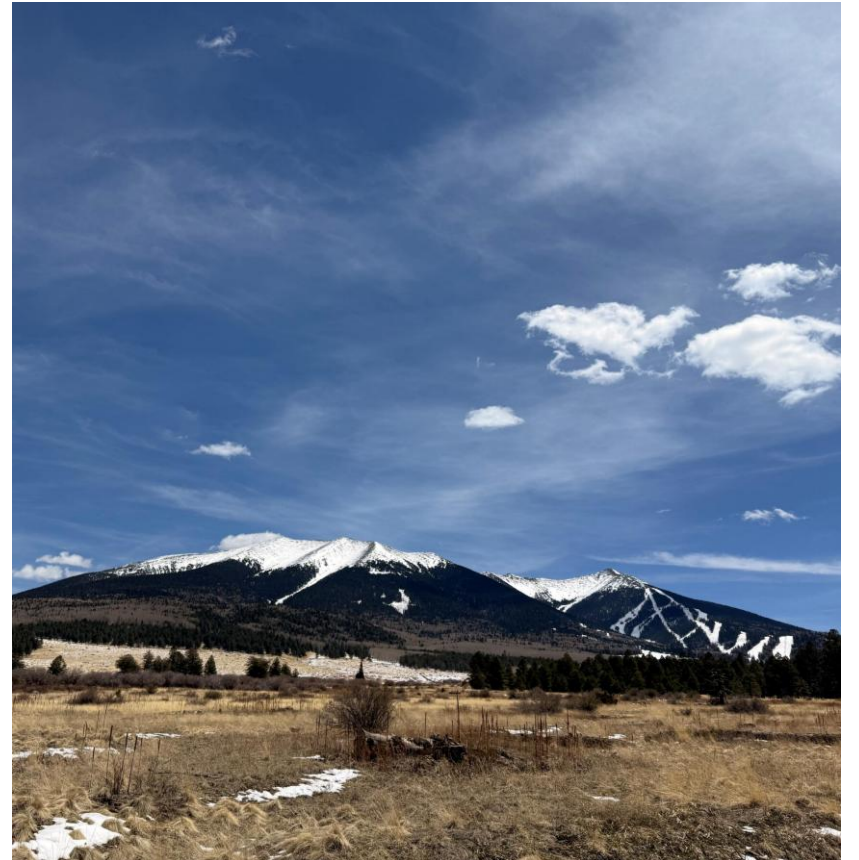
Background and Process	4
Introduction and Vision	5
How to Use This Plan	10
Understanding the Plan Format	14
Public Engagement Process and Principles	15

PLAN SECTIONS

Quality of Rural Lifestyle	17
Land Use, Growth, and Development	19
Circulation and Transportation	43
Resilient Economies and Housing	55
Stewards of the Natural Environment	66
Natural Environment	68
Parks, Open Space, Trails, and Recreation	83
Sustainability, Resilience, Energy, and Climate	94
Water Resources	106
Diverse Communities and Services	120
Community Services and Public Safety	122
Diverse Cultures and Community Character	142
Achieving the Vision	156
Implementation Plan	158

Core Planning Priorities

- Maintain the county's rural character and lifestyle by managing growth and development that strives to provide opportunities for economic vitality and resilience, equitable and accessible housing.
- Protect the natural environment, water quality and supply, and restore forest health.
- Provide responsive public and emergency services and infrastructure to the county's diverse communities.



Rural Lifestyle

Value

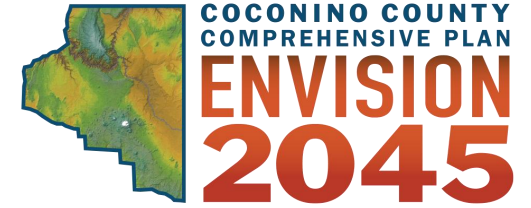
We value a vibrant county economy and diverse, accessible housing options that support the integrity and sustainability of our rural community lifestyle.

Vision

- The county's rural lifestyle and character are supported by rural-scaled economic development and regulations that support high quality, affordable, and sustainable lifestyles and housing.
- Visitors are invited and tourism is managed responsibly.
- All cultures are valued, respected and preserved.

Chapters

- Land Use, Growth and Development
- Circulation and Transportation
- Resilient Economies and Housing



Stewards of the Natural Environment

Value

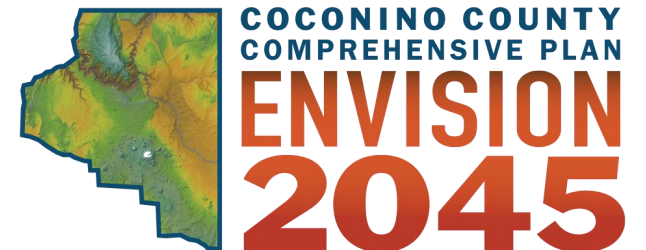
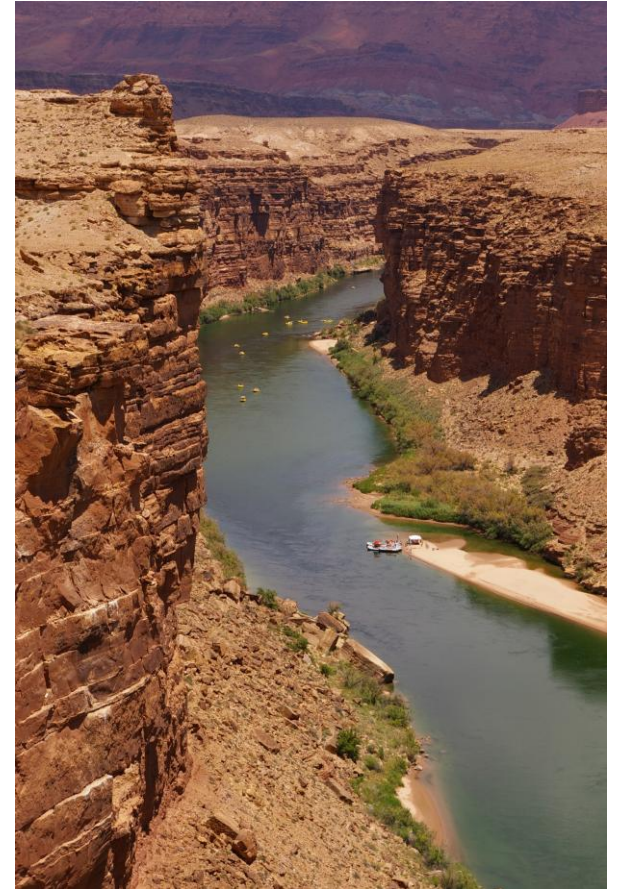
We are stewards of the land and natural environment.

Vision

- Open Space, trails, public lands, and recreation facilities are connected and accessible to all residents and visitors.
- The natural environment, resources, and ecosystems are resilient, protected, connected, and sustainably managed.
- All cultures are valued, respected and preserved.

Chapters

- Natural Environment
- Parks, Open Space, Trails, and Recreation
- Sustainability, Resilience, Energy, and Climate
- Water Resources



Diverse Communities and Services

Value

We are inclusive and respect and honor the diversity of our communities, people, land, and cultures, through vibrant communities connected with partnerships and county-wide services.

Vision

- Infrastructure, emergency services, public safety, and public services are collaboratively built and maintained in partnership with county communities to create a sense of place and reinforce resilience to climate change.
- All cultures are valued, respected and preserved.

Chapters

- Community Services and Public Safety
- Diverse Cultures and Community Character



COCONINO COUNTY COMPREHENSIVE PLAN UPDATE 2045

60-Day Public Review Period
May 19, 2025 - July 18, 2025

Comprehensive Plan 60-day Review May 19, 2025 to July 18, 2025

What is a Comprehensive Plan?

A comprehensive plan is a long-range policy document that guides the county's growth and development for the next 20 years and is based on public input about what county communities want to look like in the future. Arizona Revised Statutes require counties to adopt a long-range comprehensive plan and update it every 10 years. **The county has updated the 2015 comprehensive plan, and it is ready for your review.**

Why is there a 60-day Public Review?

The 60-day review gives the public, local and state agencies an opportunity to review and comment on the draft plan prior to beginning public hearings. It is an important phase in the process. Your review and comments are essential to making sure the plan reflects the community's values and vision.

We need your feedback on the updated draft Comprehensive Plan!

How can I review and comment on the Plan?

- Attend an in-person Open House
- Attend the Webinar
- Visit a local library or the Community Development office to review a print copy.
- Visit the project website <https://coconinocounty.konveio.com/envision2045> to go to the virtual open house, view the plan and provide comments or scan the QR code.
- Meet with us! Contact Melissa Shaw at mshaw@coconino.az.gov to schedule a meeting, either in your community or at our office.

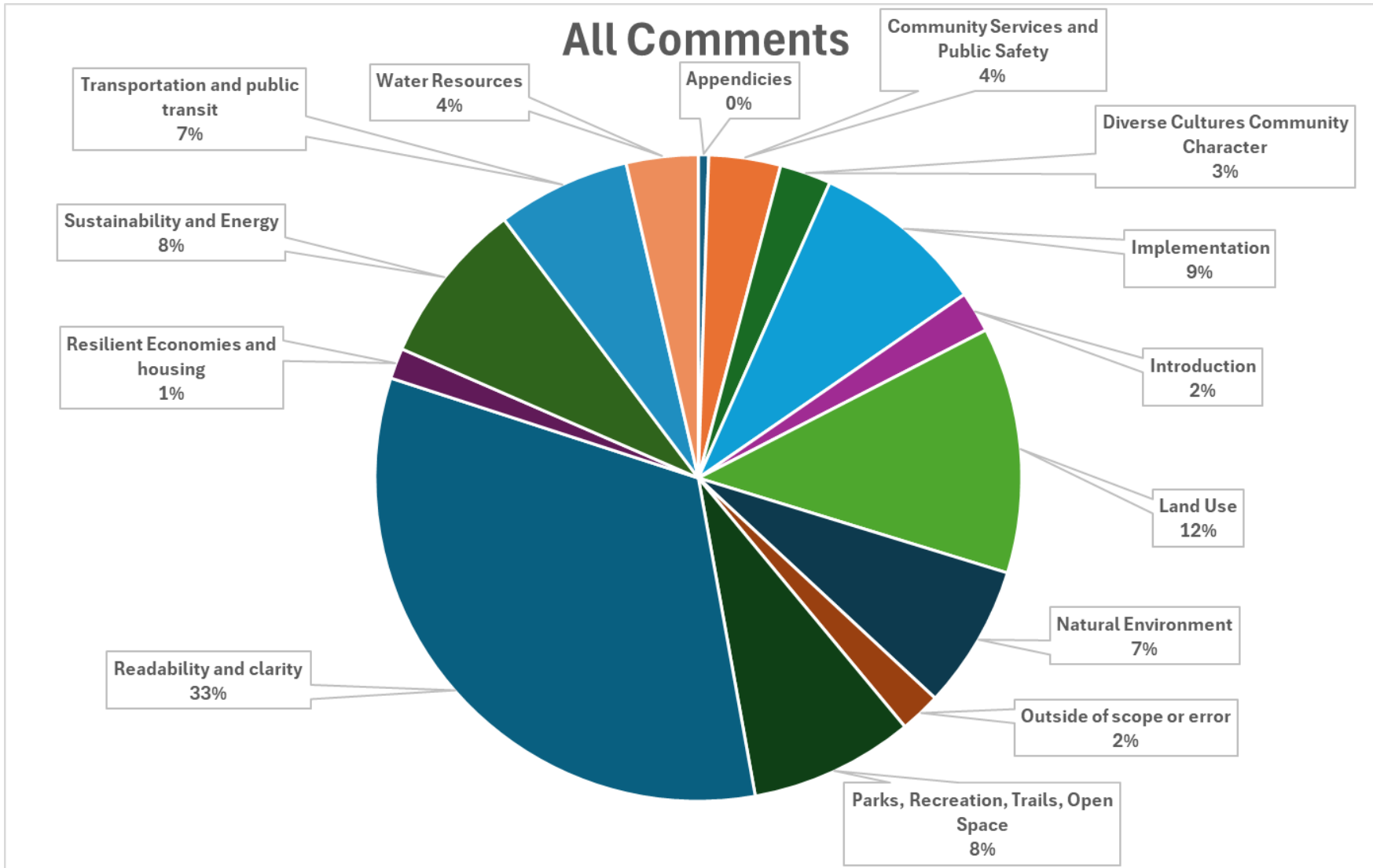


Open House locations and meeting times:

Location	Address	Date & Time
Ponderosa Fire Station 82 Community Room	11951 W Shadow Mountain Dr., Bellemont, AZ 86015	Wednesday, May 21, 5-7 p.m.
Thomas Auditorium	2500 N. Fort Valley Rd., Flagstaff, AZ 86001	Thursday, May 22, 5-7 p.m.
Cromer Elementary School Commons	7150 Silver Saddle Rd., Flagstaff, AZ 86004	Tuesday, May 27, 5-7 p.m.
Fort Valley Lodge	8005 N. Snowbowl Rd., Flagstaff, AZ 86005	Monday, June 16, 5-7 p.m.
Tuba City Library	78 Main Street, Tuba City, AZ 86045	Thursday, June 26, 2- 4 p.m., DST
Webinar	http://coconinocounty.konveio.com/envision2045	Tuesday, July 15, 12 - 12:45 p.m.



60-Day Review Comments



Row Labels	Count	Percent
Appendices	1	1%
Community Services and Public Safety	7	4%
Diverse Cultures Community Character	5	3%
Implementation	17	9%
Introduction	4	2%
Land Use	24	12%
Natural Environment	14	7%
Outside of scope or error	4	2%
Parks, Recreation, Trails, Open Space	16	8%
Readability and clarity	64	33%
Resilient Economies and housing	3	2%
Sustainability and Energy	16	8%
Transportation and public transit	13	7%
Water Resources	7	4%
Grand Total	195	

Public Hearing Draft, Schedule, and Interactive Map Site



Questions and Comments

