BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of: Wildcat Hill Wastewater Treatment Plant located at 2800 N. El Paso Flagstaff Road and Rio De Flag Water Reclamation Facility (WRF) located at 600 S. Babbitt Drive, Flagstaff, Coconino County, Arizona Inventory Number: 100760	)))))))))	**CONSENT ORDER** **Docket No._____**

City of Flagstaff in their capacity as Owner and Operator of the Wildcat Hill Wastewater Treatment Plant (WWTP) located at 2800 N. El Paso Flagstaff Road and the Rio De Flag Water Reclamation Facility (WRF) located at 600 S. Babbitt Drive, Flagstaff, Coconino County, Arizona.

RECITALS

City of Flagstaff (Flagstaff) acknowledges that no promise of any kind or nature whatsoever, was made to induce it to enter into this Consent Order, and City of Flagstaff has done so voluntarily.

Flagstaff acknowledges that by entering into this Consent Order, it does not resolve any liability it may have for civil penalties for violations of any State or Federal environmental law.

By entering into this Consent Order, Flagstaff does not admit to any civil or criminal liability, or waive any right including but not limited to the assertion of any defense available to Flagstaff under applicable law. Further, Flagstaff does not admit, and both the Arizona Department of Environmental Quality (ADEQ) and Flagstaff retain the right to controvert in any subsequent proceeding except proceeding to implement or enforce this Consent Order, the validity of any Findings of Fact or Conclusions of Law contained in this Consent Order.

The undersigned representative of Flagstaff certifies that he is fully authorized to execute this Consent Order on behalf of Flagstaff and to legally bind Flagstaff to this Consent Order.

Flagstaff admits to the jurisdiction of the Director of ADEQ.

Except as to the right to controvert the validity of any Findings of Fact or Conclusion of Law contained in this Consent Order in a proceeding other than to enforce this Consent Order, Flagstaff consents to the terms and entry of this Consent Order and agrees not to contest the validity or terms of this Consent Order in any subsequent proceeding.

THEREFORE, IT IS HEREBY ORDERED as follows:

I. JURISDICTION

The Director of ADEQ has jurisdiction over the subject matter of this action and is authorized to issue this Consent Order pursuant to the Arizona Revised Statutes (A.R.S.) § 49-261 and 41-1092.07(F)(5).

II. FINDINGS

THE DIRECTOR HEREBY MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

A. Findings of Fact

1. Flagstaff operates the Wildcat Hill WWTP – a Publicly Owned Treatment Works (POTW) with a design flow of 6 million gallons per day (MGD) that serves Flagstaff with a service population of 63,560 people. There are 8 significant industrial users including medical facilities, an industrial laundry, soft drink bottler, recycled paper manufacturer, and a pet food manufacturer. Wildcat Hill WWTP has a pretreatment program in place. Discharge from the facility is allowed under the authority of an Arizona Pollutant Discharge Elimination System (AZPDES) permit AZ0020427. Flagstaff also has an Aquifer Protection Permit (APP) # P-100760.

2. Flagstaff operates the Rio de Flag Water Reclamation Facility (WRF) under APP permit P-102421 and under AZPDES permit AZ0023639.

Initials _____

3. Flagstaff has a Type 3 Agent Reclaimed Water General Permit R106143 issued on July 30, 2009 for Wildcat Hill WWTP and Rio de Flag WRF.

Wildcat Hill WWTP - AZPDES permit # AZ0020427

4. On January 17, 2012, an ADEQ inspector conducted an inspection of the Flagstaff-Wildcat Hill WWTP. A pre-inspection file review of the Discharge Monitoring Report Forms (DMRs) determined that the facility had reported exceedances of the discharge limit (DL) of 0.2 kg/day for monthly average mass loading for cyanide during the month of October of year 2010 and during the month of October of year 2011. The reported values for the monthly average mass loading of cyanide ranged from 0.3 kg/day to 0.4 kg/day. The facility reported exceedances of a DL of monthly average concentration of 8 µg/l for cyanide for the month of October of the year 2010 and during the months of January, June through October, and December of the year 2011. The reported values for the monthly average concentration of cyanide ranged from 8.9 µg/l to 19.5 µg/l. The facility also exceeded a DL of 16 µg/l for the daily maximum concentration of cyanide during the months of October 2010 and during the months of June, July, October and December of the year 2011. The reported values for the daily maximum concentration of cyanide ranged from 18 µg/l to 22 µg/l.

5. During the January 17, 2012, inspection, the ADEQ inspector also determined that the DMRs submitted to ADEQ by the facility reported exceedances of a DL of 0.04 kg/day for the monthly average loading concentration for selenium for the months of April and July of the year 2011. The reported values for the monthly average loading concentration of selenium ranged from 0.07 kg/day to 0.135 kg/day. The facility reported selenium exceedances for the daily maximum loading concentration of 0.07 kg/day for the months of April and July of the year 2011. The reported values for the daily maximum loading concentration for selenium ranged from 0.16 kg/day to 0.19 kg/day. The DMRs also showed exceedances of the monthly average concentration of 2 µg/l for selenium for the months of April and July of the year 2011. The

Initials _____

reported values for monthly average concentration ranged from 9 μg/l to 17 μg/l. The facility exceeded the daily maximum concentration of 3 μg/l for selenium for the months of April and July of the year 2011. The reported values for the daily maximum concentration ranged from 11 μg/l to 18 μg/l.

6. On April 11, 2012, ADEQ issued a Notice of Violation (NOV) to Flagstaff for exceeding the AZPDES permit DLs for selenium and cyanide.

7. Flagstaff-Wildcat Hill WWTP is authorized to discharge domestic wastewater from the WWTP to an unnamed wash, tributary to the Rio de Flag River under an AZPDES permit AZ0020427. A file review of the facility conducted by ADEQ on February 14, 2013 determined that the reclaimed water from the Flagstaff-Wildcat Hill WWTP that enters into the reclaimed water distribution system and not used by end users could be discharged to the Francis Short Pond in the Rio de Flag River. Water delivered to Francis Short Pond is a surface water discharge and requires coverage under an AZPDES permit. This outfall is not identified in the Wildcat Hill WWTP AZPDES permit AZ0020427.

8. On March 5, 2013, ADEQ conducted a file review of the Discharge Monitoring Report Forms (DMRs) submitted by Flagstaff for the Wildcat Hill WWTP for the calendar year 2012. ADEQ found Flagstaff had reported exceedances of the discharge limit (DL) of 8ug/l for monthly average concentration for cyanide during the months of June, July, September, October, November and December 2012. The reported values for the monthly average concentration for cyanide ranged from 10ug/l to 19ug/l. The facility reported exceedances of a DL of the daily maximum concentration of 16μg/l for cyanide for the months of September and December 2012. The reported values for the daily maximum concentration of cyanide were 20μg/l and to 19μg/l respectively. The facility reported exceedances of a DL of the monthly average loading concentration of .02kg/day for December 2012. The reported value for the monthly average loading concentration was 0.03 kg/day.

Initials _____

9. On March 5, 2013, ADEQ conducted a file review of the Discharge Monitoring Report Forms (DMRs) submitted by Flagstaff for the Wildcat Hill WWTP for the calendar year 2012. ADEQ found Flagstaff had reported exceedance of the DL of 2ug/l for selenium for the monthly average concentration, daily maximum concentration of 3ug/l, daily maximum loading concentration of .07 kg/day, and monthly average loading concentration of .04 kg/day. The reported values for the monthly average concentration for selenium for the 2nd, 3rd and 4th quarters of 2012 ranged from 5ug/l to 8ug/l; the daily maximum concentration for selenium for the 2nd, 3rd and 4th quarters of 2012 ranged from 6ug/l to 15ug/l; the daily maximum loading concentration of 0.07 kg/day and monthly average loading concentration of 0.04 kg/day for selenium was reported at .09kg/day and .06kg/day respectively.

Rio de Flag WWTP - Aquifer Protection Permit # P-102421

10. On January 23, 2013, an ADEQ inspector conducted an inspection of the Flagstaff –Rio de Flag Water Reclamation Facility (WRF). A pre-inspection file review of the facility determined that the facility did not: i) notify ADEQ within five (5) days of exceeding: a) 5 month rolling geometric mean for nitrogen Alert Level for the months of February through June of the year 2011, b) daily average turbidity on May 24 and 25 of the year 2012; ii) submit to the Enforcement Unit of Water Quality Compliance Section, a written report within 30 days of becoming aware of the exceedances of the DL for Daily Average Turbidity on May 24 and 25 of year 2012; iii) apply for an amendment to permit P-102421 to include Wildcat Hill as an additional source of water for Francis Short Pond.

11. On March 5, 2013 ADEQ conducted a review of APP permit P-102421 and found that the Pine Canyon Golf Course which receives reclaimed water from the Rio de Flag WWTP is not listed as a Point of Compliance in APP permit P-102421.

Wildcat Hill WWTP - Aquifer Protection Permit # P-100760

Initials _____

12. On February 13, 2013, ADEQ conducted a file review of the Wildcat Hill WWTP and discovered that the Self Monitoring Report Forms (SMRFs) submitted by the facility reported exceedances of the APP permit Alert Limit (AL) of 8mg/L for total nitrogen for the months of January through December of the years 2010, 2011, and 2012 for the sampling point 002, POC#1, also known as Doney Park well. The reported values for total nitrogen ranged from 8.2 mg/l to 10mg/l. The verification sampling conducted by Flagstaff also confirmed that the ALs for total nitrogen for all these months of January through December had been exceeded. Flagstaff neither increased the monitoring frequency from monthly to weekly nor did it notify ADEQ of the AL exceedances within five (5) days of the exceedances as required by the APP permit P-100760. The Wildcat Hill and Rio de Flag plants comingle reclaimed water in the same distribution system and excess reclaimed water is discharged into the Francis Short Pond. Francis Short Pond is not listed as a Point of Compliance in the Wildcat Hill permit P-100760.

City of Flagstaff Reuse Program – Type 3 Agent Reclaimed Water Permit -106143

13. On February 13, 2013, ADEQ conducted a file review of the SMRFs for the APP P-100760 permit for Wildcat Hill WWTP and determined that Flagstaff did not meet the Class A+ status for the reclaimed water and exceeded a DL of 10mg/l for the 5-sample geometric mean for total nitrogen during the months of June, July, August, September, and October of the year 2010; during the months of February through December of year 2011; and during the months of January through October, and December of year 2012. The reported values for the 5-sample geometric mean for total nitrogen ranged from 10.5 mg/l to 16.9mg/l. The City also reported on their SMRFs for Wildcat Hill WWTP that they delivered reclaimed water that did not meet Class A+ status for the following months: June-August 2010; May-September 2011; February 2012; May, June, July, September, and October, 2012. The City discharged 124.885 million gallons of non-Class A+ water over 194 days.

Initials _____

B. Conclusions of Law

Wildcat Hill WWTP - AZPDES permit #AZ0020427 violations:

1. By exceeding the AZPDES permit DLs for the monthly average mass loading, monthly average concentration, and daily maximum concentration of cyanide; Flagstaff violated Part I. A. of AZPDES permit AZ0020427 which permits a DL of 0.2 kg/day for monthly average mass loading, a DL of 8 μg/l for the monthly average concentration, and a DL of 16 μg/l for the daily maximum concentration of cyanide.

2. By exceeding the AZPDES permit DLs for the monthly average loading concentration, daily maximum loading concentration, monthly average concentration, and daily maximum concentration of selenium; Flagstaff violated Part I. A. of AZPDES permit #AZ0020427 which permits a DL of 0.04 kg/day for the monthly average loading concentration, a DL of 0.07 kg/day for the daily maximum loading concentration, a DL of 2 μg/l for monthly average concentration, and a DL of 3 μg/l for daily maximum average concentration for selenium.

3. By failing to identify the Francis Short Pond as an outfall in the Wildcat Hill WWTP AZPDES permit # AZ0020427, Flagstaff violated § 49-255.01 for a discharge that is not in conformance with a permit.

Wildcat Hill WWTP - APP # P-100760 violations:

4. By failing to increase the monitoring frequency from monthly to weekly after the verification sampling confirmed exceedances of the APP permit AL of 8mg/L for total nitrogen; Flagstaff violated Part 2.6.2.3.2.2 of APP permit P-100760 which requires Flagstaff to increase the monitoring frequency to weekly for constituents that have a permit monitoring frequency of monthly.

Initials _____

5. By failing to apply for and receive a written amendment to list the Francis Short Pond as a Point of Compliance, Flagstaff violated part 6.9 Duty to Modify of APP permit P-100760.

Rio de Flag WWTP - APP # P-102421 violations:

6. By exceeding the APP permit a) Alert Level (AL) for the 5 month rolling geometric mean for nitrogen during the months of February through June of the year 2011, b) daily average turbidity during the May 24 and 25, 2012; Flagstaff violated Part 2.7.3.1 of permit P-102421 which requires Flagstaff to notify ADEQ within five (5) days of becoming aware of any permit violation or of an AL exceedance.

7. By failing to submit to the Water Quality Enforcement Unit, a written report within 30 days of becoming aware of the exceedances of the DL for Daily Average Turbidity; Flagstaff violated Part 2.7.3.2 of permit P-102421 which requires Flagstaff to submit to the Enforcement Unit of Water Quality Compliance Section, a written report within 30 days of becoming aware of the violation of any permit condition or discharge limitation

8. By failing to apply for and receive a written amendment to list the Wildcat Hill WWTP as an additional source of water for the Francis Short Pond and list the Pine Canyon Golf Course as a Point of Compliance, Flagstaff violated part 6.9 Duty to Modify of APP permit P-102421.

City of Flagstaff Reuse Program – Type 3 Agent Reclaimed Water Permit -106143 violations:

9. By failing to ensure that Class A+ reclaimed water meets the 5-sample geometric mean standard for total nitrogen of 10 mg/L, at Wildcat Hill WWTP, Flagstaff violated Type 3 Agent Reclaimed Water Permit -106143.

III. COMPLIANCE SCHEDULE

THE DIRECTOR HEREBY ORDERS and Flagstaff agrees to comply with the provisions of this Consent Order as follows:

Initials _____

Wildcat Hill WWTP - AZPDES permit #AZ0020427

1. Within sixty (60) days of the effective date of this Consent Order, Flagstaff shall submit to ADEQ for review and approval a written plan to identify the cause of the reported exceedances of cyanide and selenium for AZPDES permit #AZ0020427. The plan shall include, but is not limited to, the description of the measures that have been or will be taken (e.g. updated pretreatment program and processes, lab procedures, etc.), to resolve the violation, and include deadlines for completion. ADEQ shall review the plan, along with accompanying deadlines submitted by Flagstaff, and if ADEQ deems necessary, provide written comments to Flagstaff. Flagstaff shall incorporate any changes requested by ADEQ within the timeframes prescribed by ADEQ. The approved plan shall be incorporated by reference into this Consent Order. Flagstaff shall notify ADEQ in writing that tasks have been completed in their monthly status report required under Section IV of this Order.

2. Within fifteen (15) months from the effective date of this Consent Order, Flagstaff shall submit to the Water Quality Data Unit, analytical results pursuant to Part II.B of the AZPDES permit AZPDES permit # AZ0020427 and demonstrate to ADEQ that the concentration levels in the effluent has been met in accordance with Part I. A. Table 1 of the AZPDES permit # AZ0020427.

3. Within sixty (60) days of the effective date of this Consent Order, Flagstaff shall submit to ADEQ, a complete major modification request pursuant to R18-9-B906.A. and a $2,000 permit modification request fee for AZPDES permit # AZ0020427. The request shall include the Francis Short Pond as an additional outfall to the Wildcat Hill AZPDES permit # AZ0020427.

Wildcat Hill WWTP - Aquifer Protection Permit #P-100760

4. Within thirty (30) days of the effective date of this Consent Order, Flagstaff shall submit to ADEQ, documentation that Flagstaff has increased the monitoring frequency from

Initials _____

monthly to weekly pursuant to Part 2.6.2.3.2.2 of APP permit P-100760, for total nitrogen at POC well #1 or sampling point 2, also known as the Doney Park Well at the Flagstaff –Wildcat Hill WWTP or POC #2 as identified in APP Section 2.4 should the City elect to install.

5. Within sixty (60) days of the effective date of the Consent Order, Flagstaff shall submit to ADEQ, a plan describing the corrective measures taken will be taken by Flagstaff to reduce total nitrogen at monitoring point 001 at the Flagstaff –Wildcat Hill WWTP - APP permit P-100760 to below the DL of 10 mg/l and AL below 8 mg/l and to meet the Class A+ reuse standard of 10 mg/l. The plan shall include deadlines for completion of all tasks. The deadlines shall be established based on the date on which ADEQ approves the plan. ADEQ shall review the plan, along with accompanying deadlines submitted by Flagstaff, and if ADEQ deems necessary, provide written comments to Flagstaff. Flagstaff shall incorporate any changes requested by ADEQ within the timeframes prescribed by ADEQ that are mutually agreeable with the City. The approved plan shall be incorporated by reference into this Consent Order. Flagstaff shall notify ADEQ in writing that tasks have been completed in their monthly status report required under Section IV of this Order.

6. Within ninety (90) days of the effective date of this Consent Order, Flagstaff shall submit a complete permit application pursuant to R18-9-A211 to amend the current APP permit P-100760 to add the Francis Short Pond as a new point of compliance. Alternatively, Flagstaff may submit documentation that the reclaimed water from the Wildcat Hill WWTP will not be discharged to the Francis Short Pond.

<u>Rio de Flag WWTP - Aquifer Protection Permit P-102421</u>

7. Within ninety (90) days of the effective date of this Consent Order, Flagstaff shall submit a complete permit application pursuant to R18-9-A211 to amend the current APP permit P-102421 to add Pine Canyon Golf Course as a new point of compliance and Wildcat Hill WWTP as a water provider to Francis Short Pond. Alternatively, Flagstaff may submit

Initials _____

B. ADEQ will review the status reports and relay any disputes in writing to Flagstaff. Flagstaff shall incorporate all required modifications, changes or other alterations, as requested by ADEQ, within a reasonable time specified by ADEQ.

V. COMPLIANCE WITH OTHER LAWS

A. This Consent Order does not encompass issues regarding releases, contamination, sources, operations, facilities or processes not expressly covered by the terms of this Consent Order, and is without prejudice to the rights of the State of Arizona or Flagstaff, arising under any federal or Arizona environmental statutes and rules with regard to such issues.

B. Nothing in this Consent Order shall constitute a permit of any kind, or a modification of any permit of any kind, or an agreement to issue a permit of any kind under federal, state or local law, or relieve Flagstaff in any manner of its obligation to apply for, obtain, and comply with all applicable permits. Nothing in this Consent Order shall in any way alter, modify or revoke federal, state, or local law, or relieve Flagstaff in any manner of its obligation to comply with such laws. Compliance with the terms of this Consent Order shall not be a defense to any action to enforce any such permits or laws.

VI. FORCE MAJEURE

A. Flagstaff shall perform all the requirements of this Consent Order according to the time limits set forth herein, unless performance is prevented or delayed by events which constitute a *force majeure*. *Force majeure*, for the purposes of this Consent Order, is defined as any event, arising from causes beyond the control of Flagstaff or its authorized representatives which delays or prevents the performance of any obligation under this Consent Order and which could not have been overcome or prevented by Flagstaff. The financial inability of Flagstaff to comply with the terms of this Consent Order, shall not constitute a *force majeure*.

B. In the event of a *force majeure*, the time for performance of the activity affected by the *force majeure* shall be determined by ADEQ and extended for a period no longer than the

Initials _____

documentation that the reclaimed water from the Wildcat Hill WWTP will not be discharged to the Francis Short Pond.

8. Within thirty (30) days of effective date of this Consent Order, Flagstaff shall comply with the monitoring and reporting requirements of the APP permit P-102421 for the Rio de Flag WRF. Flagstaff shall also provide documentation to demonstrate that staff have received training and are familiar with the monitoring and reporting requirements of the permit.

Flagstaff Reuse Program - Type 3 Agent Reclaimed Water Permit -106143

9. Immediately upon the effective date of this Order, Flagstaff shall cease providing reclaimed water from the Wildcat Hill WWTP that does not meet Class A+ until the plant meets the requirements of the APP # P-100760, or until such time that, Flagstaff either:

a. Obtains a Type 3 Reclaimed Water General Permit for a Reclaimed Water Blending Facility; or

b. Submit a permit amendment allowing the distribution of a Class A reclaimed water. If Flagstaff chooses to distribute Class A water reclaimed water, Flagstaff shall provide documentation to ADEQ to ensure that the end users comply with the nitrogen management requirements pursuant to A.A.C. R18-9-713(C) through (E) prior to distributing such water to any end users.

IV. STATUS REPORTS

A. Flagstaff agrees to submit a written status report to ADEQ every thirty (30) calendar days beginning thirty (30) days from the effective date of this Consent Order, until termination of this Consent Order. Each written status report shall describe what measures have been taken under Section III, of this Consent Order, and shall certify when compliance with the requirements of Section III of this Order has been achieved. Each report shall be accompanied by evidence of compliance including, as appropriate, submittal of documents, photographs or copies of any other supporting information that Flagstaff deems necessary.

Initials _____

delay caused by the *force majeure*. The time for performance of any activity dependent on the delayed activity shall be similarly extended. In the event of a *force majeure*, Flagstaff shall notify ADEQ in writing within five (5) calendar days after Flagstaff or its agents become aware of the occurrence. The written notice provided to ADEQ shall describe in detail the event, the anticipated delay, the measures taken and to be taken by Flagstaff to prevent or minimize delay, and a proposed timetable under which those measures will be implemented. Flagstaff shall take all reasonable measures to prevent or minimize any delay caused by the *force majeure*. Failure of Flagstaff to comply with any requirements of this paragraph for a particular event shall preclude Flagstaff from asserting any claim of *force majeure* for that event.

VII. SITE ACCESS

ADEQ may at any time, upon presentation of credentials to authorized personnel on duty, enter upon the premises at the Facility for the purpose of observing and monitoring compliance with the provisions of this Consent Order. This right of entry shall be in addition to, and not in limitation of or substitution for, ADEQ's rights under applicable law.

VIII. CORRESPONDENCE

All documents, materials, plans, notices, or other items submitted as a result of this Consent Order shall be transmitted to the addresses specified below:

To ADEQ:

Arizona Department of Environmental Quality
Water Quality Division
Attention: Nirupma Bhatia, Enforcement Officer
Water Quality Enforcement Unit
1110 West Washington Street
Phoenix, Arizona 85007-2935
Telephone: (602) 771-4479
Email: nb3@azdeq.gov

To City of Flagstaff:

Kevin Burke, City Manager
211 W Aspen Ave
Flagstaff, AZ 86001

Initials _____

Telephone: (928) 213-2078

Submissions to ADEQ as a result of this Consent Order shall be deemed submitted upon receipt.

IX. RESERVATION OF RIGHTS

A. This Consent Order is based solely upon currently available information. If additional information is discovered, which indicates that the actions taken under this Consent Order are or will be inadequate to protect human health, safety, or the environment, or to conform with applicable federal or state laws, ADEQ shall have the right to require further action.

B. ADEQ shall have the right: to pursue civil penalties for violations of any and all violations of A.R.S. Title 49, or the rules promulgated thereunder, occurring before entry of this Consent Order; to disapprove of work performed by Flagstaff that fails to comply with this Consent Order; to take enforcement action for any and all violations of this Consent Order; and to take enforcement action for any and all violations of A.R.S. Title 49, or the rules promulgated thereunder, occurring after the entry of this Consent Order.

X. SEVERABILITY

The provisions of this Consent Order are severable. If any provision of this Consent Order is declared by a court of law to be invalid or unenforceable, all other provisions of this Consent Order shall remain in full force and effect.

XI. MODIFICATIONS

Any modifications of this Consent Order shall be in writing and must be approved by both Flagstaff and ADEQ.

XII. EFFECTIVE DATE

The effective date of this Consent Order shall be the date this Consent Order is signed by ADEQ and Flagstaff. If such signatures occur on different dates, the later date shall be the effective date of this Consent Order.

Initials _____

XIII. PARTIES BOUND

No change in ownership, corporate status, or partnership status relating to the subject of this Consent Order will in any way alter the responsibilities of Flagstaff under this Consent Order. Flagstaff will be responsible, and will remain responsible, for carrying out all activities required under this Consent Order.

XIV. TERMINATION

The provisions of this Consent Order shall be deemed satisfied and this Consent Order shall be terminated upon receipt of written notification from ADEQ that Flagstaff has demonstrated, to the satisfaction of ADEQ, that all of the terms of this Consent Order have been completed. Any denial of a request for termination from Flagstaff will be in writing and describe which terms of the Consent Order have not been completed to the satisfaction of ADEQ. ADEQ reserves the right to terminate this Consent Order unilaterally at any time for any reason. Any termination will include a written explanation of the reason(s) for termination.

ISSUED this ___ day of _____, 2013.

_____

Michael A. Fulton, Director
Water Quality Division
Arizona Department of Environmental Quality

Initials _____

CONSENT TO ORDER

The undersigned, on behalf of City of Flagstaff, hereby acknowledges that [he/she] has read the foregoing Consent Order in its entirety, agrees with the statements made therein, consents to its entry and issuance by the Arizona Department of Environmental Quality, agrees that Flagstaff will abide by the same and waive any right to appeal therefrom.

DATED this ___ day of _____ , 2013.

_____
Gerald W. Nabours, Mayor
City of Flagstaff

ATTEST:

_____
City Clerk, City of Flagstaff

APPROVED AS TO FORM:

_____
City Attorney, City of Flagstaff

ORIGINAL of the foregoing Consent Order was sent certified mail, return receipt requested, this ___ day of _____, 2013, to:

Kevin Burke, City Manager
City of Flagstaff
211 W Aspen Ave
Flagstaff, AZ 86001

COPY of the foregoing Consent Order was filed this ___ day of _____ , 2013, with:

Arizona Department of Environmental Quality
Office of Administrative Counsel
Attention: Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

COPIES of the foregoing Consent Order were sent by regular/interdepartmental mail, this ____ day of _____, 2013, to the following:

Tamara Huddleston, Chief Counsel, Environmental Enforcement Unit
Office of Attorney General
1275 West Washington Street
Phoenix, AZ 85007

Mindi Cross, Manager, WQCS, ADEQ
Marcia Colquitt, Manager, WQEU, ADEQ
Nirupma Bhatia, Case Manager, WQEU, ADEQ

Coconino County Health Services Department
Barbara L.Worgess, Director
2625 North King Street
Flagstaff, Arizona 86004

Ken Greenberg, Chief
CWA Compliance Office (WTR-7)
U.S. EPA, region IX
75 Hawthorne Street
San Francisco, CA 94105