



BEFORE THE DIRECTOR OF THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of:

COMPLIANCE ORDER

[Name of Facility] located at [Street Address of Facility] [City where Facility Located], [County where Facility Located], Arizona

[ADEQ Identification Number for Facility]

Docket No. \_\_\_\_\_

The Director of the Arizona Department of Environmental Quality (ADEQ) has determined that [Responsible Party] is violating the Arizona Revised Statutes (A.R.S.), the rules adopted pursuant to the A.R.S., or a permit issued pursuant to the A.R.S. As a result, the Director is issuing this Order requiring compliance within a reasonable time as specified below.

I. AUTHORITY

The Director is authorized to issue this Order pursuant to A.R.S. §§ [49-261, 49-334, 49-354, 49-461, 49-781, 49-812, 49-862, 49-923, 49-964, or 49-1013].

II. NATURE OF VIOLATIONS

The Director alleges that [Responsible Party] has violated the following provisions of A.R.S., the Arizona Administrative Code (A.A.C.), or an ADEQ issued permit:

- A. [A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section/Order #/Order Section/Judgment #/Judgment Section] "[Actual Legal Description of Violation]"

[Factual Description of Violation(s)]

III. TIME FOR COMPLIANCE

IT IS ORDERED that [Responsible Party] comply by taking the specific actions described below:

- A. Within [Number] of calendar days of this Order's effective date [Detailed description of how the facility must achieve and document compliance (mirroring the Documenting

Compliance provisions of the relevant Notice of Violation). Appropriate documentation includes: invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance.]

#### **IV. RIGHT TO HEARING AND INFORMAL SETTLEMENT CONFERENCE**

- A. [Responsible Party] has a right to a hearing before an administrative law judge to dispute this Order under A.R.S. § 41-1092.03. A notice of appeal or request for hearing must be made:
1. In writing;
  2. Specifically identify those parts of this Order that [Responsible Party] disputes; and
  3. Be made within 30 calendar days of receiving this Order.
- B. If [Responsible Party] properly requests a hearing, [Responsible Party] has a right to request an informal settlement conference under A.R.S. § 41-1092.06. A request for an informal settlement conference must be requested with ADEQ no later than 20 calendar days before the hearing.
- C. [Responsible Party] must submit all notices of appeal, requests for hearing, and requests for an informal settlement conference in writing to ADEQ at the following address:

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

#### **V. ENFORCEMENT OF ORDER**

This Order becomes final and enforceable in superior court [within 30 calendar days] of [Responsible Party] receiving it, unless [Responsible Party] properly requests a hearing as explained in Section IV. Right to Hearing and Informal Settlement Conference. If [Responsible Party] appeals this Order, the Order becomes final and enforceable on the date that [Responsible Party] receives the Director's final decision on the appeal.

#### **VI. VIOLATION OF ORDER**

If [Responsible Party] fails to comply with this Compliance Order, [Responsible Party] can be liable for other administrative or judicial sanctions, including civil penalties under A.R.S. § [49-262, 49-463, 49-783, 49-861, 49-924, or 49-1013], the same as if for a violation of any State or Federal environmental law.

"-- IF NO AUTHORITY LISTED, OMIT PHRASE ON CIVIL PENALTIES]"

## **VII. CORRESPONDENCE**

- A. [Responsible Party] must email, mail, or hand deliver all correspondence, such as invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance or required by this Order to:

Arizona Department of Environmental Quality  
[ADEQ Division]  
Attention: [ADEQ Contact and Title]  
1110 West Washington Street  
Phoenix, Arizona 85007-2935  
Telephone: [Telephone Number of ADEQ Contact]  
Email: [Email]

- B. Any submission to ADEQ is treated as submitted when ADEQ receives it.
- C. ADEQ shall send all correspondence by email, mail, or hand delivery under this Compliance Order to:

[Name of Responsible Party or Designee]  
[Address of Responsible Party or Designee]  
[Telephone Number of Responsible Party or Designee]  
[Email of Responsible Party or Designee]

## **VIII. RESERVATION OF RIGHTS**

By issuing this Order, ADEQ still has the right to seek appropriate penalties or injunctive relief in superior court for violations of the Arizona Revised Statutes, any rule, permit, or order promulgated or issued, or any other applicable environmental statute or legal authority.

**Signed** this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

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[Name of Division Director], Director  
[Air Quality/Tank Programs/Water Quality/Waste Programs] Division  
Arizona Department of Environmental Quality

**I HEREBY CERTIFY** that on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the **ORIGINAL** was filed in the facility file located at:

Arizona Department of Environmental Quality  
1110 W Washington St  
Phoenix, AZ 85007-2935

**I HEREBY CERTIFY** that on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a true and correct copy was emailed, if provided, and mailed via USPS by Certified Mail to:

[Responsible Party/Representative Name]  
[Mailing Address REQUIRED]  
[Email Address PREFERRED]

**I HEREBY CERTIFY** that on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a true and correct copy was mailed/emailed to:

Arizona Department of Environmental Quality  
Office of Administrative Counsel

Curtis Cox, Chief Counsel, Environmental Enforcement Section, Office of the Attorney General  
[First and Last Name], Unit Manager, [Unit]  
[First and Last Name], Case Manager, [Unit]

[County] County Public Health Services  
[Mailing Address/Email Address REQUIRED]

ATTN: [Name]  
US EPA Region 9  
[Mailing Address/Email Address REQUIRED]

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Administrative Hearing Officer