

# Highlights

Internal Audit Report to the Board of Supervisors

## Why We Did This Review

The Enforcement Division plays a critical role in bringing violators into compliance with air quality rules and regulations by imposing penalties that take away the economic benefit of operating out of compliance.

Our objectives were to determine if:

- Differences between initial and negotiated penalties are justified.
- Penalty amounts are fair and equitable between similar companies
- Penalties are imposed quickly enough to encourage change

## What We Recommend

We made recommendations to:

- Improve documentation of penalty calculations and negotiated reductions
- Evaluate the case assignment process
- Conduct required conference calls with the EPA
- Consider offering incentives to settle cases by mail and reduce the backlog



For more information, please contact Stella Fusaro, Audit Supervisor, at 602-506-1777 or [fusaros@mail.maricopa.gov](mailto:fusaros@mail.maricopa.gov)

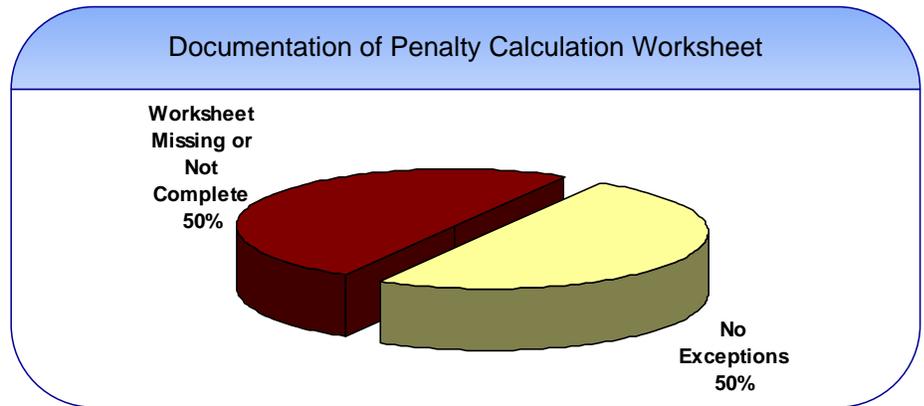
# Air Quality–Enforcement Division

## Documentation and Timeliness of Enforcement Actions Need Improvement

### What We Found

#### Documentation

Although Air Quality Department (AQD) policy requires documentation of how penalties are developed, half of the penalty worksheets we reviewed lacked such documentation and 66% did not explain how negotiated penalty reductions were determined. Without this documentation it is unclear if calculations and reductions are appropriate.



Half of our sample had missing or incomplete worksheets and explanations.

#### Timeliness

AQD could improve timeliness for resolving cases. Decreasing the time it takes to negotiate penalties would also likely promote corrective change at permit sites. We found it took an average of 365 days for a case to be resolved compared to 78 days for the benchmark agencies.

80% of the high priority violations (HPV) cases we reviewed (all over 315 days), were not resolved within the Environmental Protection Agency (EPA) required timeframe, and none of the cases included evidence of EPA contact in the case file. Delays in enforcement action could postpone corrective action and result in the (EPA) taking over a case, although we are unaware of any incident where they have done so. AQD should ensure adequate resources are assigned to high priority violations.

We appreciate the excellent cooperation we received from Air Quality Enforcement Division management and staff.