



Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera
Director

CERTIFIED MAIL
Return Receipt Requested

Case ID #: 177207

August 6, 2018

Johnson Utilities, LLC
Attention: Gary A. Drummond
5230 E Shea Blvd
Ste 200
Scottsdale, AZ 85254

Subject: Pecan Water Reclamation Plant, Place ID 18583
38539 N Gantzel Rd / Queen Creek, AZ 85140

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ) has reason to believe that Johnson Utilities, LLC as the owner/operator of Pecan Water Reclamation Plant has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit/license, administrative order or civil judgment. ADEQ discovered the violations alleged below during an inspection completed on July 17, 2018.

I. LEGAL AUTHORITY and NATURE OF ALLEGED SIGNIFICANT VIOLATION(S)

1. **A.A.C. R18-11-303(B)(1)(a)**

Failure to ensure that Class A+ reclaimed water meets the 24-hour average turbidity standard of 2 NTUs after filtration and before disinfection.

On July 17, 2018 ADEQ conducted an office file review. The plant exceeded the daily average turbidity discharge limits of 2 NTU.

- a. Reported Limit: 2.06 NTU on 2/11/2018
- b. Reported Limit: 2.95 NTU on 2/20/2018.

2. **A.A.C. R18-9-718(G)(3)(a)**

Application of a stated class for reclaimed water that is of lesser quality than allowed by this Article for the type of direct reuse application.

At the time of the inspection, ADEQ was informed that Johnson Utilities sent reclaimed water to end users for beneficial reuse. ADEQ conducted an office file review on July 17, 2018, and confirmed that turbidity exceedances had occurred while reclaimed water was being sent for beneficial reuse; a prohibited practice.

3. **Permit 65812 (105324) - Section 2.1 Facility / Site Description**

Johnson Utilities, LLC is authorized to operate the Pecan Water Reclamation Plant (WRP). In addition to the treatment trains, the treatment process also includes two

Main Office

1110 W Washington Street • Phoenix, AZ 85007
(602) 771-2300

Southern Regional Office

400 W Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

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filters and two ultraviolet (UV) disinfection units, backup chlorine disinfection, two (2) sludge dewatering belt filter press, and an effluent pump station.

Pecan WRP has discontinued the permitted primary disinfection mechanism identified as UV light without a modification to the Aquifer Protection Permit. Pecan WRP representative explained the primary mechanism for disinfection is sodium hypochlorite. According to Duane Kasun, WWTP Operator, the UV equipment failed due to an overflow at the filters and disinfection areas. Based on an e-mail received on July 18, 2018 from Jed Lant, Wastewater Manager the change to the disinfection process occurred at least 6.5 years ago.

4. **A.R.S. § 49-241(A)**

Discharge without an Aquifer Protection Permit.

The four recharge basins located along the east and southern boundary of the Pecan WRP property have the ability to receive effluent water. Recharge basins are considered a discharging facility under A.R.S. 49-241(1). Pecan WRP is not permitted to impound effluent under APP P-105324. At the time of the inspection, ADEQ observed overgrown trees and overgrown vegetation inside the southwest Recharge Basin.

On April 12, 2018 ADEQ received an application to amend the Aquifer Protection Permit for the Pecan Water Reclamation Plant, as result of a Notice of Violation issued on November 6, 2017 for the reason mentioned before.

Johnson Utilities submitted a response on June 20, 2018 as response to the May 24, 2018 ADEQ letter. The response submitted by Johnson Utilities have been determined by ADEQ to be insufficient in addressing the requirements requested.

5. **A.A.C. R18-9-E301(D)(5)(vi)**

Failure to ensure that lift stations are designed to prevent odor from emanating beyond the lift station site.

At the time of inspection, ADEQ inspector experienced offensive odors being emitted from the influent lift station. Also, the inspector observed excessive signs of corrosion on the interior of the concrete wall. Hydrogen sulfide is a known contributor to the deterioration of concrete.

II. LEGAL AUTHORITY and NATURE OF OTHER ALLEGED VIOLATION(S)

1. **Permit 65812 - Section 4.2 Compliance and Operational Monitoring -Table III**

Treatment Plant Components shall perform in good working conditions and shall be inspected weekly.

At the time of inspection, the extended aeration and clarifier trains were observed with excess amount of floating solids on the surface; including, macro solids, such as tampons, condoms, nappies, among other objects.

2. Permit 65812 - Section 2.6.3 Discharge Limit (DL) Violation

If a DL set in Section 4.2, Tables IA-1, IA-2, or 1B has been violated, the permittee shall immediately investigate to determine the cause of the violation. The permittee also shall submit a report according to Section 2.7.3, which includes a summary of the findings of the investigation, the cause of the violation, and actions taken to resolve the problem.

Pecan WRP exceeded the turbidity discharge limit for the 24-hour average for turbidity and exceeded on two instances during February 2018. ADEQ has not received the required Contingency Report for the turbidity exceedances aforementioned.

3. Permit 65812 - Section 3.0 Compliance Schedule Items (CSIs)

For each CSI listed below, the permittee shall submit the required information, including a cover letter that lists the CSIs, to the Groundwater Section. A copy of the cover letter must also be submitted to the ADEQ Water Quality Compliance Section.

ADEQ visited Pecan WRP in support of a permit amendment for the plant. At the time of the inspection it was found that all 54 permitted vadose zone wells are installed.

According to Compliance Schedule Items #5 and #6, Pecan WRP was required to submit the Well Installation report for the thirty-two (32) recharge wells installed, within 60 days after of installation and testing.

Additionally, at the time of inspection, the CD225-DripPrime pump was observed to be installed permanently on site. According to CSI # 9, after pump installation Johnson Utilities should have submitted a sealed Engineer's Certificate of Completion.

ADEQ conducted a File Review on July 17, 2018 and did not find documentation that demonstrated CSI Items #5 and #6 were submitted within 90 days of installation of vadose zone wells and CSI Item #9 was submitted within 30 days after the date of pump installation.

III. DOCUMENTING COMPLIANCE

1. Within 7 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or written report addressing the turbidity exceedances listed in this notice, according to APP P-105324 Section 2.7.3. Refer to violation I.1.
2. Within 7 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or submit a corrective plan that includes timeframes and milestones to return the facility to compliance regarding permanent modification done at the disinfection components that considers one of the two options outlined below, refer to violation I.3.

(i) If Pecan WRP elects to repair the UV light channel to operate in a manner that effectively disinfects and operates within permit requirements.

- (ii) If Pecan WRP elects to modify the primary disinfection method, submit a written notice in compliance with APP Section 6.9.
3. Within 15 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or a new or updated standard operating procedure (SOP) that described the communication process used by Johnson Utilities, LLC. Specifically, describe the communication between WWTP operators and compliance staff when a permit violation, AQL, or DL occurs. Include in the SOP the staff roles and responsibilities regarding Contingency Reports and communication with ADEQ. Refer to violation II.2.
 4. Within 21 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or submit completed Compliance Schedule Items (CSIs) #5, #6, and #9 as required in Section 3.0 of APP P-105324. Refer To violation II.3.
 5. Within 15 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or demonstrate that Johnson Utilities contacted ADEQ Project Manager of LTF #70902 and provided the necessary information to continue with the amendment permit process. Refer to violation I.4.
 6. Within 15 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or submit photographic documentation that aeration and clarifier trains at Phase I, Phase II, and Phase III are in clean good working conditions, free of floating solids on the surface. Additionally explain how the facility will prevent recurrence from these conditions. Refer to violation II.1.
 7. Within 30 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or a description of the corrective action that has been or will be taken to resolve the alleged violations of sending reclaimed water of lesser quality than permitted. Refer to violation I.1.

The description should include procedures that Pecan WRP will implement, including a standard operating procedure (SOP) that reflects corrective actions when discharge limitation requirements in APP Permit #105324 Section 4.2 Compliance / Operational Monitoring, Table 1B: Reclaimed Water Monitoring - Class A+ are not met. Explain the response plan of Johnson Utilities implements when a turbidity exceedance is detected.

8. Within 90 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or documentation showing that the corrective plan has been implemented to return to compliance the disinfection mechanism used at Pecan WRP. Refer to violation I.3.

(i) If Pecan WRP elects to repair current approved disinfection method and repair the UV equipment, submit documentation demonstrating compliance according to permitted process.

(ii) If Pecan WRP elects to modify the disinfection method, submit an administratively complete APP amendment application.

Appropriate documentation includes invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits, and any other document(s) necessary to establish that the deficiencies have been resolved.

9. Within 90 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or submit documentation from a third party engineering company that a influent lift station at Pecan WRP meets proper engineering controls and best design practices. Include how Johnson Utilities, LLC will reduce the potential odors traveling beyond the lift station site and the actions that will address these problems so that concrete degradation does not reoccur. Refer to violation I.5.

IV. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

Arizona Department of Environmental Quality, Attention: Isa Valdez, GW/Reuse Inspections & Compliance, 1110 W Washington St, Phoenix, AZ 85007 MC: 5415B-3

V. STATEMENT OF CONSEQUENCES

Significant Violations

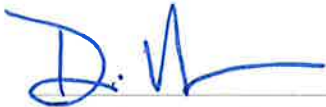
1. The time frames within this Notice for achieving and documenting compliance for the violation(s) alleged in Section I of this Notice are firm limits. Failure to achieve or document compliance for the violation(s) alleged in Section I of this Notice within the time frames established in this Notice will result in an administrative compliance order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames for achieving and documenting compliance for the violation(s) alleged in Section I of this Notice only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.
2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violation(s) alleged in Section I of this Notice as allowed by law.

Other Violations

3. ADEQ may take any enforcement action authorized by law for the violation(s) alleged in Section II of this Notice, if the violation(s) are not corrected, or if ADEQ determines that the violation(s) have not been corrected in the time frames within this Notice.

VI. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact Isa Valdez at (602) 771-2302.



David Dunaway, Section Manager
GW/Reuse Inspections & Compliance



Isa Valdez, Case Manager
GW/Reuse Inspections & Compliance