



Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera
Director

CERTIFIED MAIL
Return Receipt Requested

August 3, 2018

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

Case ID #: 177317

Re: Notice of Violation issued to Johnson Utilities, LLC

Dear Mr. Drummond:

This letter constitutes the monthly update on the status of Arizona Department of Environmental Quality ("ADEQ") action resulting from ADEQ's inspection of the above-referenced site on July 30, 2018, as required by A.R.S. § 41-1009(J).

The attached Notice of Violation ("NOV") is an informal compliance assurance tool used by ADEQ to put a responsible party (such as a facility owner or operator) on notice that the Department believes a violation of an environmental requirement has occurred. It describes the facts known to ADEQ at the time of issuance and cites the requirement that ADEQ believes the party has violated.

Although ADEQ has the authority to issue appealable administrative orders compelling compliance, an NOV has no such force or effect. Rather, an NOV provides the responsible party an opportunity to do any of the following before ADEQ takes formal enforcement action: (1) meet with ADEQ and discuss the facts surrounding the violation, (2) demonstrate to ADEQ that no violation has occurred, or (3) document that the violation has been corrected.

ADEQ reserves the right to take a formal enforcement action, such as issuing an administrative order or filing a civil lawsuit, regardless of whether the Department has issued an NOV. Neither ADEQ's issuance of an NOV nor its failure to do so precludes the Department from pursuing these remedies. However, the timeliness of a complete response to this notice will be considered by ADEQ in determining if and how to pursue such remedies.

Sincerely,

Ethan Leiter, Manager
Groundwater / Reuse Inspections & Compliance

Electronic CC: Brad Cole, Dave Dunaway, James Taylor, Jed Lant

Enclosure: ADEQ Notice of Violation Case ID 177317



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August 3, 2018

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

Subject: Santan Water Reclamation Plant, Place ID 18584
200 E Hunt Hwy / Queen Creek, AZ 85143

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ) has reason to believe that Johnson Utilities, LLC as the owner/operator of Santan 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 30, 2018.

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

1. **A.A.C. R18-9-E301(B)(3)**

Failure to design, construct, or operate a sewage collection system so that the sewage collection system prevents releases of sewage to the land surface through appropriate sizing, capacities, and inflow and infiltration prevention measures throughout the system.

On July 29, 2018 Johnson Utilities representatives notified ADEQ of a Sanitary Sewer Overflow (SSO) at the Morning Sun Circle, of an estimated 13,000 gallons. There has been at least one other SSO at this location, which was reported on October 31, 2017.

2. **A.A.C. R18-9-E301(F)(1)**

Failure to ensure that an operation and maintenance plan is the basis for operation and continuing maintenance of a sewer collection system.

On 8/1/18 ADEQ requested the Operations and Maintenance (O&M) manual, as well as any maintenance logs for the sewage collection system near the San Tan WRP. To date, ADEQ has not received any evidence that the sewage collection system is being operated and maintained according to an approved operations and maintenance manual.

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Printed on recycled paper

II. DOCUMENTING COMPLIANCE

1. Within 7 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or an O&M manual for the sewage collection system and any maintenance logs from the past two years.
2. Within 15 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or documentation that demonstrates that the SSO has been cleaned and any affected media remediated to prevent potential human health or environmental impacts.

III. 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: Patrick Adams, GW/Reuse Inspections & Compliance, 1110 W Washington St, Phoenix, AZ 85007 MC: 5415B-3

IV. STATEMENT OF CONSEQUENCES

1. The time frames within this Notice for achieving and documenting compliance are firm limits. Failure to achieve or document compliance 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 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 this Notice as allowed by law.

V. 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 Patrick Adams at (602) 771-4656.



Ethan Leiter, Manager
GW/Reuse Inspections & Compliance



Patrick Adams
GW/Reuse Inspections & Compliance