



Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera
Director

CERTIFIED MAIL
Return Receipt Requested

Case ID #: 178424

October 19, 2018

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

Subject: Johnson Utilities Section 11- WWTP, Place ID 142
5452 E Hunt Hwy / Queen Creek, AZ 85132

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ) has reason to believe that Johnson Utilities, LLC as the owner/operator of Johnson Utilities Section 11- WWTP 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 September 20, 2018.

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

1. Permit 66389 (103081) - P-103081 Section 2.5.6 Facility / Operational Monitoring

Operational monitoring inspections shall be conducted according to Section 4.2, Table III. If any damage of the pollution control structures is identified during inspection, proper repair procedures shall be performed. All repair procedures and materials used shall be documented in the facility log book as per APP P-103081 Section 2.7.2 and reported to ADEQ in case of a violation or exceedance as per Section 2.7.3.

ADEQ conducted an inspection on September 9, 2018. During the walkthrough, ADEQ observed that the northwest corner of Lagoon #2 had a tear in the liner which exposed the ground surface below the lagoon. The liner's overall integrity could not be visually observed due to sludge build up on top of it.

At the time of the inspection, the inspector asked for the actions taken to correct the liner damages; Johnson Utilities (JU) representatives, James Taylor, Engineer Consultant and Jed Lant, WWTP Operator explained that the tear repair has not yet been scheduled at Lagoon #2 liner. He mentioned JU will be conducting a liner inspection after the sludge cleanup to determine the liner condition. Also, they explained that the liner's inspection has not been inspected over the last years.

ADEQ held a call with Johnson Utilities representative, John Calkins on October 15, 2018. Based on a liner inspection conducted by a contractor, EPCOR decided to replaced the liner due to damages observed.

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II. DOCUMENTING COMPLIANCE

1. Within 90 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or submit documentation that the liner has been replaced to ADEQ.

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: Isa Valdez, GW/Reuse Inspection & Compliance Enforcement Unit, 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 Isa Valdez at (602) 771-2302.



Ethan Leiter, Manager
GW/Reuse Inspection & Compliance
Enforcement Unit



Isa Valdez
GW/Reuse Inspection & Compliance
Enforcement Unit

ON BEHALF OF