



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

NOTICE OF INSPECTION RIGHTS

FACILITY INFORMATION	ADEQ INFORMATION
Facility Name (Customer): Johnson Utilities Pecan WRD	Date/Time of Inspection: 1/11/2019 15:30
Facility Location (Place): 38539 N Gantzel Rd Queen Creek, AZ 85140	County: Pinal
	Inspector: Oliver Navo
Mailing Address: 5230 E Shea Blvd, Suite 200 Scottsdale, AZ 85254	Telephone: 602-771-8708
	Accompanied by: N/A
Responsible Party: Jed Lant	
On-Site Representative: Jed Lant	ADEQ Follow-up Contact: Oliver Navo
Telephone: (480)798-0413	
Title: Manager	
E-mail: jed@johnsonutilities.com	Telephone: 602-771-8708

The ADEQ representative(s) identified above were present at the above address on the above listed date and time. Upon entry to the premises, the ADEQ representative(s) met with me, presented photo identification indicating that they are ADEQ employees and explained:

☒ **That the purpose of the inspection is to determine:**

- ☐ Compliance with Title 49 of the Arizona Revised Statutes, Title 18 of the Arizona Administrative Code* and/or:

Arizona Revised Statutes: Title 49, Chapter 2 et seq, Article _____.

Arizona Administrative Code: Title 18, Chapter 9 et seq, Article _____.

Permit/Agreement Number: APP Permit #: P-105324.

- ☐ Qualification for a license issued pursuant to:

Arizona Revised Statutes: Title 49, Chapter 2, Article 10.

Arizona Administrative Code: Title 18, Chapter 5, Article 1 et. seq..

- ☐ That this inspection is conducted pursuant to the authority granted in Arizona Revised Statutes § 49-104(B)(8) and/or:

Arizona Revised Statutes: § 41-1009, 49-203(B)(1).

Arizona Administrative Code: R18-9-110.

Permit/Agreement Number: APP Permit #: P-.

- ☐ That the state shall not be barred by the statutes of limitations of actions, according to A.R.S. § 12-510, except as provided in A.R.S. § 12-529 concerning certain claims based on navigability of watercourses. According to 28 U.S.C. § 2462, the U.S. government must commence an action within 5 years after the date the claim first accrued.

- ☐ Possible applicability of Small Business Bill of Rights pursuant to Arizona Revised Statutes § 41-1001(21)

☒ **That the fee for this inspection is:** ZERO.

*The Arizona Revised Statutes (A.R.S.) can be found on the internet: www.azleg.state.az.us/ArizonaRevisedStatutes.asp while the Arizona Administrative Code (A.A.C.) can be found at www.azsosaz.gov/public_services/Table_of_Contents.htm

While I have the right to refuse to sign this form, the ADEQ representatives may still proceed with the inspection

- ☒ I have read this notice and discussed any questions or concerns with the ADEQ representatives and I have received the Small Business Bill of Rights.

Signature of Regulated Person or Authorized On-Site Representative

Date

- ☐ The regulated person or authorized on-site representative refused to sign.

Name of Regulated Person or Authorized On-Site Representative Title

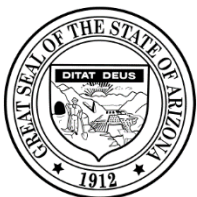
- ☐ The regulated person or an authorized on-site representative was not present at the facility.

Signature of ADEQ Representative Date

1/11/19

INSPECTION RIGHTS

- ☒ I understand that I can accompany the ADEQ representative(s) on the premises, except during confidential interviews.
- ☒ I understand that I have right , on request, to:
 - Copies of any original documents taken during the inspection, and that ADEQ will provide copies of those documents at ADEQ's expense;
 - A split of any samples taken during the inspection, if the split of the samples would not prohibit an analysis from being conducted or render an analysis inconclusive;
 - Copies of any analysis performed on samples taken during the inspection and that ADEQ will provide copies of this analysis at ADEQ's expense;
 - Copies of any documents to be relied on to determine compliance with licensure or regulatory requirements if the agency is otherwise permitted by law to do so.
- ☒ I also understand that:
 - Each person who is interviewed by an ADEQ inspector during the inspection must be informed that:
 - (1) participation in an interview is voluntary, unless legally compelled to participate;
 - (2) they have the right to have an attorney or other experts in their field present during the interview to represent or advise the regulated person;
 - (3) the ADEQ inspector may not take any adverse action or treat less favorably or draw any inference as a result of the regulated person's decision to be represented by an attorney or advised by any other experts in their field;
 - (4) statements made by the person may be included in the inspection report; and
 - (5) they have the right to 24 hours to review and revise any written witness statement drafted by the ADEQ inspector on which the ADEQ inspector requests that person's signature.
 - If the information and documents provided to the ADEQ inspector become a public record, trade secrets and proprietary and confidential information may be redacted, unless the information and documents are not confidential pursuant to statute.
 - Each person interviewed during the inspection must be informed that statements made by the person may be included in the inspection report;
 - Each person whose conversation is tape recorded during the inspection must be informed that the conversation is being tape recorded;
 - If an administrative order is issued or a permit decision is made based on the results of the inspection, I have the right to appeal that administrative order or permit decision. I understand that my administrative hearing rights are set forth in Arizona Revised Statutes § 41-1092 *et seq.* and my rights relating to an appeal of a final agency decision are found in Arizona Revised Statutes § 12-901 *et seq.*;
 - If I have any questions or concerns about this inspection, I may contact the person listed as the ADEQ Follow-up Contact on the front of this form; ADEQ's Ombudsman at (602) 771-4322 (toll free inside Arizona at (800) 234-5677, extension, 771-4322); or the Arizona Ombudsman-Citizens' Aid office at (602) 277-7292 (toll free at (800) 872-2879);
 - If I have any questions concerning my rights to appeal an administrative order or permit decision, I may contact ADEQ's Office of Administrative Counsel at (602) 771-2212 (toll free inside Arizona at (800) 234-5677, extension 771-2212).



Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera
Director

Aquifer Protection Permit Field Inspection Report

This checklist is provided as a tool for permit holders and ADEQ staff to have a consistent understanding of the major compliance expectations under this permit. This checklist is designed to be easy to read and follow. It is intended only to address the permit requirements that ADEQ feels are the most important to protect human health and the environment. This list does not include every permit condition and permit holders should ensure they understand the full requirements of their permit. This list does not supplant or supersede any legal requirement and is not binding on the permit holder or ADEQ staff.

Facility Name: Johnson Utilities Pecan WRF Place ID: 18583	Inspection No: 315526 Inspection Date: 1/11/19
Inventory/Permit #: P-105324 Current LTF#: 65812	Inspector(s): Oliver Navo
Facility Address: 38539 North Gantzel Rd City, State, Zip: Queen Creek, AZ 85140 County: Pinal	Inspector Phone: Office: 602-771-8708 Inspector Email: on2@azdeq.gov
Permittee/Responsible Party: Johnson Utilities Contact: Jed Lant Mailing Address: 5230 East Shea Blvd City, State, Zip: Scottsdale, AZ 85254 Phone: (480) 798-0413 Email: jed@johnsonutilities.com	WWTP Population Served: See comments Treatment Plant Grade: See comments Collection System Grade: See comments
Operator/ID: See comments Phone: See comments Email: See comments Op. Cert. Grade/Expiration: See comments	Compliance Summary: Certified Operator <input type="checkbox"/> Yes <input type="checkbox"/> No Physical Facilities <input type="checkbox"/> Yes <input type="checkbox"/> No Monitoring and Reporting <input type="checkbox"/> Yes <input type="checkbox"/> No
Results of Inspection: <input type="checkbox"/> No deficiencies were noted during the course of the inspection. No ADEQ action will result from this inspection. <input checked="" type="checkbox"/> Potential deficiencies were noted during the course of the inspection. Additional correspondence regarding this inspection may be forthcoming. <input type="checkbox"/> Notice of Opportunity to Correct Deficiencies (NOC) <input type="checkbox"/> Notice of Violation (NOV)	
Inspection Report Issued: Via email from ADEQ office	Facility Initial: ADEQ Initial:
Comments: Inspection ID #315526 was focused on determining if and to what extent an unpermitted discharge into Queen Creek was occurring. ADEQ received documentation via email 1/6/19 as well as phone conversations with facility representatives. Operator/ID, phone, email, and operator Certification grade was not obtained due to this being a focused inspection. WWTP population served, treatment plant grade, and collection system grade were not obtained due to this being a focused inspection.	
PHOTOGRAPHS TAKEN DURING INSPECTIONS ARE AVAILABLE ON REQUEST	

Requirements: C: Compliance, NC: Non-Compliance, P: Pending, N/A: Not Available

Documentation:	Requirement met?	Comments
Six quarter SMRF reporting. Any non-submittals or exceedances?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
If yes, do the exceedances meet the requirements for significant non-compliance? <i>(list in Comments)</i>	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Were required notifications provided for violation of any permit condition, discharge limit, or exceedance of an alert level? <i>(list notifications in Comments)</i>	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Were SMRFs and monitoring requirements discussed with the facility?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Does the facility have any outstanding or overdue compliance schedule items? (Section 3.0 in the permit)	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Does the facility have a copy of the current signed permit?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Is there a copy of the operations and maintenance manual on-site?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Is there a copy of the approved contingency/emergency response plan on-site?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Was there any unauthorized discharge of suspected hazardous, toxic, or non-hazardous materials? If so list corrective actions taken. (Section 2.6.5)	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	Johnson Utilities was observed discharging treated effluent into Queen Creek without a AZPDES permit.
Facility Description and Operational Monitoring Requirements	Requirement met?	Comments
Is the log book of the inspections and measurements required by this permit updated and current?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Due to this being a focused inspection, not all log books were observed, however, the ones observed were compliant.
Do the facility treatment processes match what is in the current permit?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.


Is the facility being maintained according to the Operations and Maintenance Manual?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Freeboard in Recharge Basin: Minimum 1 ft?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Freeboard in Storage Basin: Minimum 2 ft?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Do the treatment plant components appear to be in working order?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Storage pond berm integrity: Is there any visible structural damage, breach, or erosion of embankments?	<input type="checkbox"/> C <input type="checkbox"/> NC <input checked="" type="checkbox"/> P <input type="checkbox"/> N/A	Johnson Utilities just repaired two areas of their berms due to breaches that have taken place in 2019.
Recharge Basins: Are they in good condition?	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	Pecan groves were acting as recharge basins, these were physically in good condition, however they have had two breaches in January.
Do the vadose zone wells appear to be in good working order? No evidence of biofouling, clogging, daylighting?	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	Pecan groves were acting as recharge basins, these were physically in good condition, however they have had two breaches in January
Compliance Monitoring	Requirement met?	Comments
POC #1 – Southwest corner of Storage Basin #2 Loc: <ul style="list-style-type: none"> Location verified? Does the well appear to be in working order? 	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A <input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
POC #2 – Along the northeast boundary of the property Loc: <ul style="list-style-type: none"> Location verified? Does the well appear to be in working order? 	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A <input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Field Methods – Is the facility using applicable on-site calibrations and quality assurance for BOD, T, pH, and turbidity?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Does the facility have a written QA manual for all analysis done on-site?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Are ADHS approved methods used for all analyses?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Did the facility have a method detection limit study for lab methods?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Are on-site lab instruments properly calibrated?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Are on-site calibration and baseline reagents current and not expired?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.

Are on-site flow meters properly calibrated?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.
Does the facility have a bench log sheet?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Information was not obtained due to this being a focused inspection.

As a result of this focused inspection the inspection report will be reflecting only observations of Johnson Utilities discharging activities into Queen Creek..


Field Inspection Photograph Log

Site Location: Johnson Utilities Pecan WRP		Photographer/Inspector: Oliver Navo
Weather: Sunny		
Photo No. 1	Date: 1/11/19	
Direction Photo Taken: East		
Photo Description: Johnson Utilities pumping water from their Pecan Groves which ultimately discharges into Queen Creek		

Photo No. 2	Date: 1/11/19	
Direction Photo Taken: down		
Photo Description: Flow meter showing the rate the water being pumped from the pecan groves into Queen Creek are at a rate of approximately 2,750 gallons/minute		

Field Inspection Photograph Log

Photo No. 3	Date: 1/11/19	
Direction Photo Taken: Southeast		
Photo Description: This is the discharge point into Queen Creek with water from the Pecan Groves. This is where samples were collected by inspector.		

Photo No. 4	Date: 1/11/19	
Direction Photo Taken: West		
Photo Description: Prior to discharging into Queen Creek, the effluent being stored in the pecan groves overflowed the groves and reached this wall. At this point is when Johnson Utilities decided to discharge into Queen Creek.		

Arizona State Legislature

Bill Number Search:



Fifty-third Legislature - First Regular Session

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A. To ensure fair and open regulation by state agencies, a person:

1. Is eligible for reimbursement of fees and other expenses if the person prevails by adjudication on the merits against an agency in a court proceeding regarding an agency decision as provided in section 12-348.
2. Is eligible for reimbursement of the person's costs and fees if the person prevails against any agency in an administrative hearing as provided in section 41-1007.
3. Is entitled to have an agency not charge the person a fee unless the fee for the specific activity is expressly authorized as provided in section 41-1008.
4. Is entitled to receive the information and notice regarding inspections and audits prescribed in section 41-1009.
5. May review the full text or summary of all rulemaking activity, the summary of substantive policy statements and the full text of executive orders in the register as provided in article 2 of this chapter.
6. May participate in the rulemaking process as provided in articles 3, 4, 4.1 and 5 of this chapter, including:
 - (a) Providing written comments or testimony on proposed rules to an agency as provided in section 41-1023 and having the agency adequately address those comments as provided in section 41-1052, subsection D, including comments or testimony concerning the information contained in the economic, small business and consumer impact statement.
 - (b) Filing an early review petition with the governor's regulatory review council as provided in article 5 of this chapter.
 - (c) Providing written comments or testimony on rules to the governor's regulatory review council during the mandatory sixty-day comment period as provided in article 5 of this chapter.
7. Is entitled to have an agency not base a licensing decision in whole or in part on licensing conditions or requirements that are not specifically authorized by statute, rule or state tribal gaming compact as provided in section 41-1030, subsection B.
8. Is entitled to have an agency not make a rule under a specific grant of rulemaking authority that exceeds the subject matter areas listed in the specific statute or not make a rule under a general grant of rulemaking authority to supplement a more specific grant of rulemaking authority as provided in section 41-1030, subsection C.
9. May allege that an existing agency practice or substantive policy statement constitutes a rule and have that agency practice or substantive policy statement declared void because the practice or substantive policy statement constitutes a rule as provided in section 41-1033.
10. May file a complaint with the administrative rules oversight committee concerning:
 - (a) A rule's, practice's or substantive policy statement's lack of conformity with statute or legislative intent as provided in section 41-1047.
 - (b) An existing statute, rule, practice alleged to constitute a rule or substantive policy statement that is alleged to be duplicative or onerous as provided in section 41-1048.
11. May have the person's administrative hearing on contested cases and appealable agency actions heard by an independent administrative law judge as provided in articles 6 and 10 of this chapter.
12. May have administrative hearings governed by uniform administrative appeal procedures as provided in articles 6 and 10 of this chapter and may appeal a final administrative decision by filing a notice of appeal pursuant to title 12, chapter 7, article 6.
13. May have an agency approve or deny the person's license application within a predetermined period of time as provided in article 7.1 of this chapter.

14. Is entitled to receive written notice from an agency on denial of a license application:

(a) That justifies the denial with references to the statutes or rules on which the denial is based as provided in section 41-1076.

(b) That explains the applicant's right to appeal the denial as provided in section 41-1076.

15. Is entitled to receive information regarding the license application process before or at the time the person obtains an application for a license as provided in sections 41-1001.02 and 41-1079.

16. May receive public notice and participate in the adoption or amendment of agreements to delegate agency functions, powers or duties to political subdivisions as provided in section 41-1026.01 and article 8 of this chapter.

17. May inspect all rules and substantive policy statements of an agency, including a directory of documents, in the office of the agency director as provided in section 41-1091.

18. May file a complaint with the office of the ombudsman-citizens aide to investigate administrative acts of agencies as provided in chapter 8, article 5 of this title.

19. Unless specifically authorized by statute, may expect state agencies to avoid duplication of other laws that do not enhance regulatory clarity and to avoid dual permitting to the extent practicable as prescribed in section 41-1002.

20. May have the person's administrative hearing on contested cases pursuant to title 23, chapter 2 or 4 heard by an independent administrative law judge as prescribed by title 23, chapter 2 or 4.

21. Pursuant to section 41-1009, subsection E, may correct deficiencies identified during an inspection unless otherwise provided by law.

B. The enumeration of the rights listed in subsection A of this section does not grant any additional rights that are not prescribed in the sections referenced in subsection A of this section.

C. Each state agency that conducts audits, inspections or other regulatory enforcement actions pursuant to section 41-1009 shall create and clearly post on the agency's website a small business bill of rights. The agency shall create the small business bill of rights by selecting the applicable rights prescribed in this section and section 41-1009 and any other agency-specific statutes and rules. The agency shall provide a written document of the small business bill of rights to the authorized on-site representative of the regulated small business. In addition to the rights listed in this section and section 41-1009, the agency notice of the small business bill of rights shall include the process by which a small business may file a complaint with the agency employees who are designated to assist members of the public or regulated community pursuant to section 41-1006. The notice must provide the contact information of the agency's designated employees. The agency notice must also state that if the regulated person has already made a reasonable effort with the agency to resolve the problem and still has not been successful, the regulated person may contact the office of ombudsman-citizens aide.