

**DRAFT STATE OF ARIZONA  
AQUIFER PROTECTION PERMIT NO. P-512893  
PLACE ID 17541, LTF 75647**

**1.0 AUTHORIZATION**

**This authorization shall close a discharging facility in a manner such that current and reasonably foreseeable future uses of the aquifer are protected.**

In compliance with the provisions of Arizona Revised Statutes (A.R.S.) Title 49, Chapter 2, Articles 1, 2 and 3, Arizona Administrative Code (A.A.C.) Title 18, Chapter 9, Articles 1 and 2, A. A. C. Title 18, Chapter 11, Article 4 and amendments thereto, and the conditions set forth in this permit, the Arizona Department of Environmental Quality (ADEQ) hereby authorizes close of the discharges at the Copperstate Farms LLC located at 650 N. Industrial Way in the Town of Snowflake, Arizona, Navajo County, over groundwater of the Little Colorado Plateau Basin, in Section 15, Township 13 North, Range 21 East of the Gila and Salt River Base Line and Meridian.

This permit becomes effective on the date of the Water Quality Division Director's signature and shall be valid for the life of the facility (operational, closure, and post-closure periods) unless suspended or revoked pursuant to A.A.C. R18-9-A213. The permittee shall construct, operate and maintain the permitted facilities:

1. Following all the conditions of this permit including the design and operational information documented or referenced below, and
2. Such that Aquifer Water Quality Standards (AWQS) are not violated at the applicable point(s) of compliance (POC) set forth below or if an AWQS for a pollutant has been exceeded in an aquifer at the time of permit issuance, that no additional degradation of the aquifer relative to that pollutant and as determined at the applicable POC occurs as a result of the discharge from the facility.

**1.1 PERMITTEE INFORMATION**

**Facility Name:** Copperstate Farms LLC  
**Facility Address:** 650 N. Industrial Way  
Snowflake, Arizona 85937  
**County:** Navajo  
**Permittee:** Copperstate Farms, LLC  
**Permittee Address:** 5090 N. 40<sup>th</sup>  
Phoenix, Arizona 85018  
**Permitted Flow Rate:** APP to close discharging facilities – no permitted flows  
**Facility Contact:** Barb Hansen  
**Emergency Phone No.:** (928) 457-2820  
**Latitude/Longitude:** 34° 31' 04.45" N / 110° 06' 18.46" W  
**Legal Description:** Section 15, Township 13 North, Range 21 East of the Gila and Salt River Base Line and Meridian.

**1.2 AUTHORIZING SIGNATURE**

\_\_\_\_\_  
**Trevor Baggio, Director, Water Quality Division**  
Arizona Department of Environmental Quality

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2020

**2.0 SPECIFIC CONDITIONS [A.R.S. §§ 49-203(4), 49-241(A)]**

**2.1 Facility / Site Description [A.R.S. § 49-243(K)(8)]**

Copperstate Farms LLC is a cannabis growing operation located on two parcels (202-05-064 and 202-05-032) in rural Navajo County. The property was used by the previous owners as a tomato and cucumber growing operation. The facility consists of a support building which includes a north greenhouse, a south greenhouse, process tanks, collection sumps, groundwater storage tanks, and an equipment wash area located on Parcel No. 202-05-064. There are groundwater wells, an irrigation drainage conveyance, and retention pond located on Parcel No. 202-05-032.

The support building contains an indoor sump with a level controlled pump used to collect liquids from the indoor drainage grates and drains and discharge from the fertilizer mixing area. In addition the sump received flush water from cleaning of irrigation lines and a cleaning product which contains perchloroethylene (PCE). The sump is approximately 10 feet deep with a corrugated metal pipe wall approximately three (3) feet in diameter and a cylindrical container at the base. Between the pipe and container there is an area of exposed soil. The liquids collected in the sump were pumped through a pipe to the irrigation drainage conveyance which ultimately discharged to the retention pond.

A site investigation was conducted and demonstrated that clean closure was achieved for the unauthorized discharge of PCE to the indoor sump, irrigation drainage conveyance and retention pond.

Nitrate was detected in the irrigation drainage conveyance and pond above aquifer water quality standards; however, since the nitrate source is the irrigation drainage, the retention pond is exempt from regulation pursuant to A.R.S. §49-250.B.23.c. Consequently, no further investigation of nitrate contamination in soils or groundwater was conducted at the conveyance and retention pond. Nitrate was detected in the indoor sump at a concentration of 140 mg/L. Due to the sump pump removing liquid from the indoor sump to the retention pond, the hydraulic head within the indoor sump was kept very low and the impact to the aquifer at the Copperstate Farms facility is likely due to the agriculture surrounding the site and discharge to the pond, which are exempt. The indoor sump will be abandoned and closed and will not be used in the future.

The site includes the following discharging facility:

Facility	Latitude	Longitude
Indoor Sump	34° 31' 04.45" N	110° 06' 18.46" W

**Annual Registration Fee [A.R.S. § 49-242 and A.A.C. R18-14-104]**

No annual registration fee, no permitted flows.

**Financial Capability [A.R.S. § 49-243(N) and A.A.C. R18-9-A203 ]**

Not required.

**2.2 Best Available Demonstrated Control Technology (BADCT)  
[A.R.S. § 49-243(B) and A.A.C. R18-9-A202(A)(5)]**

The indoor sump shall be abandoned by placing a minimum of two (2) feet of concrete at the bottom of the sump, backfilling with aggregate base course material to a minimum six inches from grade, and constructing a rebar-reinforced concrete cap flush with the surface. The cap shall remain in place indefinitely to prevent any future liquids from entering the indoor sump. A third

party shall oversee, document, and photograph the decommissioning of the indoor sump and provide a letter report to document completion of the work.

**2.2.3 Unauthorized Discharges to be Closed**

The closure investigation of the unauthorized discharge of PCE to the Indoor Sump, Conveyance and Pond has met clean closure criteria because the soil and water samples demonstrated that PCE is not present.

**2.3 Point of Compliance (POC) [A.R.S. § 49-244]**

The Points of Compliance (POC) is designated at the following location:

POC #	Latitude	Longitude
1 (Conceptual)	34° 31' 04" N	110° 06' 21" W

The POC is conceptual; groundwater monitoring is not required at the POC at permit issuance. The Director may designate additional points of compliance if information on groundwater gradients or groundwater usage indicates the need.

**2.4 Monitoring Requirements [A.R.S. § 49-243(B) and (K)(1), A.A.C. R18-9-A206(A)]**

Unless otherwise specified in this permit, inspection and maintenance required in this permit shall continue for the duration of the permit, regardless of the status of the facility.

**2.5 Contingency Plan Requirements**

[A.R.S. § 49-243(K)(3), (K)(7) and A.A.C. R18-9-A204 and R18-9-A205]

Not required under this permit

**2.6 Reporting and Recordkeeping Requirements [A.R.S. § 49-243(K)(2) and A.A.C. R18-9-A206(B) and R18-9-A207]**

**2.6.1 Operation Inspection / Log Book Recordkeeping**

A signed copy of this permit shall be maintained at all times at the location where day-to-day decisions regarding the operation of the facility are made. A log book (paper copies, forms, or electronic data) of the inspections and measurements required by this permit shall be maintained at the location where day-to-day decisions are made regarding the operation of the facility. The log book shall be retained for ten years from the date of each inspection, and upon request, the permit and the log book shall be made immediately available for review by ADEQ personnel. The information in the log book shall include, but not be limited to, the following information as applicable:

1. Name of inspector;
2. Date and time inspection was conducted;
3. Condition of applicable facility components;
4. Any damage or malfunction, and the date and time any repairs were performed;
5. Documentation of sampling date and time; and
6. Any other information required by this permit to be entered in the log book.

Monitoring records for each measurement shall comply with A.A.C. R18-9 A206(B)(2).

**2.6.2 Permit Violation and Status Reporting**

1. The permittee shall notify the Groundwater Protection Value Stream in writing (by mail see Section 2.6.4) within five days (except as provided in Section 2.6.3) of becoming aware of a violation of any permit condition.
2. The permittee shall submit a written report to the Groundwater Protection Value Stream within 30 days of becoming aware of the violation of any permit condition. The report shall document all of the following:
  - a. Identification and description of the permit condition for which there has been a violation and a description of the cause;
  - b. The period of violation including exact date(s) and time(s), if known, and the anticipated time period during which the violation is expected to continue;
  - c. Any corrective action taken or planned to mitigate the effects of the violation, or to eliminate or prevent a recurrence of the violation;
  - d. Any monitoring activity or other information which indicates that any pollutants would be reasonably expected to cause a violation of an AWQS;

**2.6.3 Operational, Other, or Miscellaneous Reporting**

**2.6.3.1 Post-Closure Inspection Report Summary**

The permittee shall prepare an inspection log annually on the facility according to Section 4.2, Table 1 and Compliance Schedule Item 3.1, to the ADEQ Groundwater Protection Value Stream. The log shall include a photograph and document the condition of the concrete cap on the indoor sump and any repair activities.

**2.6.4 Reporting Location**

All documents required by this permit to be submitted to the Groundwater Protection Value Stream shall be directed to the following address:

Arizona Department of Environmental Quality  
 Groundwater Protection Value Stream  
 Mail Code: 5415B-3  
 1110 West Washington Street  
 Phoenix, Arizona 85007  
 Phone (602) 771-4999

**2.6.5 Reporting Deadline**

The following table lists the annual Post-Closure Inspection Report Summary due date:

Closure activity status during the year	Report due by:
January 1 – December 31	January 30

**2.7 Closure [A.R.S. §§ 49-243(K)(6), 49-252 and A.A.C. R18-9-A209(B)]**

**2.7.1 Final Closure**

Not applicable

**2.7.2 Post-closure**

Post closure inspections and maintenance shall be performed as required in Section 4.2, Table 1.

**3.0 COMPLIANCE SCHEDULE [A.R.S. § 49-243(K)(5) and A.A.C. R18-9-A208]**

For each compliance schedule item listed below, the permittee shall submit the required information, including a cover letter that lists the compliance schedule items, to the Groundwater Protection Value Stream.

<b>No.</b>	<b>Description</b>	<b>Due by:</b>	<b>Permit Amendment Required?</b>
3.1	Permittee shall maintain the post-closure maintenance inspections, the condition of the concrete cap on the indoor sump and any repairs in a log. Information shall be made available to ADEQ upon request.	January 30 of each calendar year after permit issuance.	No
3.2	Permittee shall submit a report, including written descriptions and photographs, to document removal of the corrugated pipe and cylindrical container, placement of concrete and clean backfill, and construction of rebar-reinforced concrete cap at the indoor sump.	Within 30 days of concrete cap construction	No

#### **4.0 TABLES OF MONITORING REQUIREMENTS**

##### **4.1 PRE-OPERATIONAL MONITORING (OR CONSTRUCTION REQUIREMENTS)**

Not applicable at permit issuance.

##### **4.2 COMPLIANCE (or OPERATIONAL) MONITORING**

Table 1 - Facility Inspection Schedule (Post-closure Maintenance)

##### **4.3 CONTINGENCY MONITORING**

Not required by this permit.

**4.0 TABLES OF MONITORING REQUIREMENTS**

**4.2 COMPLIANCE (or OPERATIONAL) MONITORING**

**TABLE 1**  
**Facility Inspection Schedule (Post-closure Maintenance)**

<b>Parameter/Structure</b>	<b>Performance Level</b>	<b>Inspection Frequency<sup>1</sup></b>
Indoor Sump Cap Integrity	Concrete cap does not have cracks. Repair as necessary.	Annually

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<sup>1</sup> The permittee shall maintain inspection summary and photographs in a log.

#### **4.0 REFERENCES AND PERTINENT INFORMATION**

The terms and conditions set forth in this permit have been developed based upon the information contained in the following, which are on file with the Department:

1. APP Application dated: February 22, 2019
2. Contingency Plan, dated: Not applicable
3. Final Hydrologist Report dated: August 1, 2019
4. Final Engineering Report dated: December 9, 2019, revised December 12, 2019
5. Public Notice dated: XXXXXXXXXX



## 5.0 NOTIFICATION PROVISIONS

### 5.1 Annual Registration Fees [A.R.S. § 49-242(D)]

Not applicable

### 5.2 Duty to Comply [A.R.S. §§ 49-221 through 263]

The permittee is notified of the obligation to comply with all conditions of this permit and all applicable provisions of Title 49, Chapter 2, Articles 1, 2 and 3 of the Arizona Revised Statutes, Title 18, Chapter 9, Articles 1 through 4, and Title 18, Chapter 11, Article 4 of the Arizona Administrative Code. Any permit non-compliance constitutes a violation and is grounds for an enforcement action pursuant to Title 49, Chapter 2, Article 4 or permit amendment, suspension, or revocation.

### 5.3 Duty to Provide Information [A.R.S. §§ 49-243(K)(2) and 49-243(K)(8)]

The permittee shall furnish to the Director, or an authorized representative, within a time specified, any information which the Director may request to determine whether cause exists for amending or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

### 5.4 Compliance with Aquifer Water Quality Standards [A.R.S. §§ 49-243(B)(2) and 49-243(B)(3)]

The permittee shall not cause or contribute to a violation of an Aquifer Water Quality Standard (AWQS) at the applicable point of compliance (POC) for the facility. Where, at the time of issuance of the permit, an aquifer already exceeds an AWQS for a pollutant, the permittee shall not discharge that pollutant so as to further degrade, at the applicable point of compliance for the facility, the water quality of any aquifer for that pollutant.

### 5.5 Technical and Financial Capability [A.R.S. §§ 49-243(K)(8) and 49-243(N) and A.A.C. R18-9-A202(B) and R18-9-A203(E) and (F)]

The permittee shall have and maintain the technical and financial capability necessary to fully carry out the terms and conditions of this permit. Any bond, insurance policy, trust fund, or other financial assurance mechanism provided as a demonstration of financial capability in the permit application, pursuant to A.A.C. R18-9-A203(C), shall be in effect prior to any discharge authorized by this permit and shall remain in effect for the duration of the permit.

### 5.6 Reporting of Bankruptcy or Environmental Enforcement [A.A.C. R18-9-A207(C)]

The permittee shall notify the Director within five days after the occurrence of any one of the following:

1. the filing of bankruptcy by the permittee; or
2. the entry of any order or judgment not issued by the Director against the permittee for the enforcement of any environmental protection statute or rule.

### 5.7 Monitoring and Records [A.R.S. § 49-243(K)(8) and A.A.C. R18-9-A206]

The permittee shall conduct any monitoring activity necessary to assure compliance with this permit, with the applicable water quality standards established pursuant to A.R.S. §§ 49-221 and 49-223 and §§ 49-241 through 49-252.

**5.8 Inspection and Entry [A.R.S. §§ 49-1009, 49-203(B), and 49-243(K)(8)]**

In accordance with A.R.S. §§ 41-1009 and 49-203(B), the permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to enter and inspect the facility as reasonably necessary to ensure compliance with Title 49, Chapter 2, Article 3 of the Arizona Revised Statutes, and Title 18, Chapter 9, Articles 1 through 4 of the Arizona Administrative Code and the terms and conditions of this permit.

**5.9 Duty to Modify [A.R.S. § 49-243(K)(8) and A.A.C. R18-9-A211]**

The permittee shall apply for and receive a written amendment before deviating from any of the designs or operational practices authorized by this permit.

**5.10 Permit Action: Amendment, Transfer, Suspension, and Revocation  
[A.R.S. §§ 49-201, 49-241 through 251, A.A.C. R18-9-A211, R18-9-A212 and R18-9-A213]**

This permit may be amended, transferred, suspended, or revoked for cause, under the rules of the Department. The permittee shall notify the Groundwater Protection Value Stream in writing within 15 days after any change in the owner or operator of the facility. The notification shall state the permit number, the name of the facility, the date of property transfer, and the name, address, and phone number where the new owner or operator can be reached. The operator shall advise the new owner or operators of the terms of this permit and the need for permit transfer in accordance with the rules.

**6.0 ADDITIONAL PERMIT CONDITIONS**

**6.1 Other Information [A.R.S. § 49-243(K)(8)]**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, the permittee shall promptly submit the correct facts or information.

**6.2 Severability  
[A.R.S. §§ 49-201, 49-241 through 251, A.A.C. R18-9-A211, R18-9-A212 and R18-9-A213]**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby. The filing of a request by the permittee for a permit action does not stay or suspend the effectiveness of any existing permit condition.

**6.3 Permit Transfer**

This permit may not be transferred to any other person except after notice to and approval of the transfer by the Department. No transfer shall be approved until the applicant complies with all transfer requirements as specified in A.A.C. R18-9-A212(B) and (C).