

ORIGINAL



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BEFORE THE ARIZONA CORPORATIO

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8 Commissioner  
9 KRISTIN K. MAYES  
10 Commissioner

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AZ CORP COMMISSION  
DOCUMENT CONTROL

50  
Arizona Corporation Commission  
**DOCKETED**  
FEB 03 2005  
DOCKETED BY

8 **IN THE MATTER OF**  
9 **THE APPLICATION OF MOUNTAIN**  
10 **GLEN WATER SERVICE, INC. FOR A**  
11 **PERMANENT RATE INCREASE IN**  
12 **MARICOPA COUNTY, ARIZONA**

DOCKET NO.: W-03875A-03-0737

13 **IN THE MATTER OF**  
14 **THE APPLICATION OF MOUNTAIN**  
15 **GLEN WATER SERVICE, INC. FOR**  
16 **FINANCIAL APPROVAL IN MARICOPA**  
17 **COUNTY, ARIZONA**

DOCKET NO.: W-03875A-03-0870

**NOTICE OF FILING DEVELOPER'S**  
**CERTIFICATE OF APPROVAL OF**  
**SANITARY FACILITIES FOR**  
**SUBDIVISIONS ISSUED BY ADEQ IN**  
**DECISION NO. 67277**

18 Mountain Glen Water Service, Inc. ("Mountain Glen"), through undersigned counsel, hereby  
19 files a copy of the Developer's Certificate of Approval of Sanitary Facilities for Subdivisions as  
20 required by Decision No. 67277 (a copy of the Developer's Certificate of Approval of Sanitary  
21 Facilities for Subsidiaries is attached hereto as Exhibit "A").

22 On or about December 28, 2004, Mountain Glen filed a Motion to Extend Deadlines in  
23 Decision No. 67277 which required the filing of the Developer's Certificate of Approval of  
24 Construction and the Developer's Certificate of Approval of Sanitary Facilities for Subdivisions to be  
25 filed on or before December 31, 2004 by December 28, 2004.

26 To date, Mountain Glen still awaits the Developer's Certificate of Approval of Construction.  
27 On December 10, 2004, ADEQ wrote to developer Jeff Vitale of Mustang Development informing him  
28 that his Application for Approval of Construction was not administratively complete and provided Mr.  
Vitale a two-month extension to submit a completed application in accordance with Rule 18-1-503(B).  
(A copy of the December 10, 2004, Notice of Administrative Deficiencies is attached hereto as Exhibit  
"A"). Mountain Glen will provide the commission with ADEQ's licensing decision at the time it is

1 issued. Therefore, Mountain Glen renews its Motion to Extend the deadlines to file the Developer's  
2 Certificate of Approval of Construction until such time as it is issued by ADEQ.

3 RESPECTFULLY SUBMITTED this 2 day of February, 2005.

4 **LOOSE, BROWN & ASSOCIATES, P.C.**

5  
6 By 

7 Donald A. Loose

8 C. Kyle Brown

9 Robert J. Metli

*Attorneys for Mountain Glen Water Service, Inc.*

10 ORIGINAL and 13 copies of the  
11 foregoing filed this 2<sup>nd</sup> day of February,  
12 2005, with:

13 Docket Control  
14 ARIZONA CORPORATION COMMISSION  
15 1200 West Washington Street  
16 Phoenix, Arizona 85007-2927

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**EXHIBIT A**



*CRD*

**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**CERTIFICATE OF APPROVAL OF SANITARY FACILITIES FOR SUBDIVISION**  
**INCORPORATING INDIVIDUAL ON-SITE SEWAGE SYSTEMS**

<b>SUBDIVISION:</b> Linden Trails Lots 1 - 96	<b>ADEQ SITE CODE:</b> 504594-02 <b>ENGINEERING REVIEW FILE NO.:</b> 20040192
<b>LOCATION:</b> Linden Trails is a 76028 acre subdivision located in the NW 1/4 of Section 3, and the NE 1/4 ; NE 1/4; NE 1/4; of Section 4, Township 10 North, Range 21 East of Gila and Salt River Baseline and Meridian, Arizona. The property is located along the west side of Lone Pine Dame Road approximately 1.7 miles north of State Route 260 in Linden, Navajo County, Arizona	
<b>TOWN:</b> Linden	<b>COUNTY:</b> Navajo
<b>SECTION</b> 3 & 4	<b>TOWNSHIP</b> 10 N
<b>RANGE</b> 21 E	
<b>SUBDIVIDER:</b> Mustang Development, Inc.	
<b>Water Supply By:</b> N/A - Water will be hauled in.	
<b>Sewage Disposal By:</b> On-site Wastewater Treatment Facilities	
<b>Garbage Disposal By:</b> R & M Refuse (To Blue Hills Landfill)	

The sanitary facilities of water supply and garbage disposal and the conceptual design for on-site wastewater treatment facilities, as represented by the approved plan documents on file with the Arizona Department of Environmental Quality are hereby approved in accordance with Arizona Administrative Code R18-5-402. **This certificate supercedes the Certificate of Approval of Sanitary Facilities for Subdivision Incorporating Individual On-site Sewage Systems for Linden Trails, dated 10/29/03, ADEQ File #20030535.**

**Provisions 1 thru 3 appear on Pages 2 and 3**

This APPROVAL does NOT constitute an INDIVIDUAL OR GENERAL AQUIFER PROTECTION PERMIT for any of the specific individual sanitary facilities in any of the lots in this subdivision.

Stephen A. Owens, Director  
 Arizona Department of Environmental Quality

By: *Susan Hazelett* *4/13/04*  
 Susan Hazelett, E.I.T. Acting Manager Date Approved  
 Residential and Industrial Wastewater Unit  
 Water Permits Section, Water Quality Division

**DISTRIBUTION:**

Original Approval and Plat:  
 Engineering Review File No: 20030192  
 Approval Copy  
 County Agency: Navajo County  
 Subdivider: Mustang Development  
 Engineer: Jenny Vitale, P.E.

SUBDIVISION APPROVAL: Linden Trails, Lots 1 - 96

ENGINEERING REVIEW File No: 20040192

PAGE 2 OF 3 Provisions, Continued

1. No "discharge" to the "waters of the United States" pursuant to Sections 301, 309, 402, 404, and 502 of the federal Clean Water Act (CWA) are authorized by this approval. If this project results in discharge to these waters, CWA permits are necessary before commencing the discharge, pursuant to the Code of Federal Regulations Titles 33 and/or 40. Any construction in a watercourse shall comply with all terms and conditions of the Section 404 Permit program which is administered by the U.S. Army Corps of Engineers.
2. The Public Report must include, but shall not be limited to, items 2.a. thru 2.h:
  - a. The owner of an approved lot shall obtain site-specific permits for construction and operation from **Navajo County Health Department** before constructing any on-site wastewater treatment facility or Arizona Department of Environmental Quality, if xxx County is not delegated authority to approve the on-site wastewater treatment system.
  - b. If any approved lot is determined to be not suitable for construction and operation of a conventional septic disposal system, the lot owner shall obtain site-specific construction and operating permits for an alternative on-site wastewater treatment facility from **Navajo County Health Department**. The cost of an alternative on-site wastewater treatment facility may be in excess of \$15,000.
  - c. The required setback for on-site sewage systems (including the reserved disposal area) from unsubdivided land is 50 feet minimum unless the dwellings and other future improvements on the unsubdivided land will be served by a community water system, or an appropriate waiver has been obtained from the adjacent property owner(s).
  - d. The following lots may be affected by an ephemeral wash and floodplain which may restrict the space available for placement of the on-site wastewater treatment facility (including the reserved disposal area and consequently may restrict the location and/or size of the home to be constructed on the lot:

Lots 1, 2, 3, 26, 27, 82, and 90 - 96
  - e. This approval is based upon ADEQ evaluation of sanitary facilities for a single family dwelling with one or less bedrooms on each lot. Some lots may accommodate larger sewage disposal capacities, subject to local approvals.
  - f. The applicant will supply potable water initially via a hauled water arrangement; the applicant plans to provide potable water in the future via a public water system, part of which is already constructed. The applicant shall not utilize the pipes or any other part of the unapproved water system prior to applying for and receiving from the Department the following approvals:
    1. Capacity Development pursuant to 18 A.A.C. 4, Article 6;
    2. Approval of Construction pursuant to A.A.C. R18-5-507; and
    3. Approval of Sanitary Facilities for Subdivisions pursuant to 18 A.A.C. 5, Article 4.
  - g. If any of the conditions listed above are not met, the Department shall revoke the Certificate of Approval for Sanitary Facilities for Subdivision, notify the Department of Real Estate of the revocation

SUBDIVISION APPROVAL: Linden Trails, Lots 1 - 96

ENGINEERING REVIEW File No: 20040192

PAGE 3 OF 3 Provisions, Continued

and take appropriate enforcement action for noncompliance with state drinking water regulations.

- h. The public subdivision report issued by the Arizona Department of Real Estate shall contain the following or similar language: "The water supply for the subdivision is being provided via hauled water rather than a regulated public water system. Water from a public water system is subject to extensive regulation to protect public health, including monitoring, treatment, and public notice requirements. Hauled water is not subject to regulatory requirements, so the water quality is not monitored or assessed by the public health agencies that regulate public water systems. If you would like additional information on steps you can take to assess the quality of your water, you may contact the Safe Drinking Water Section of the Arizona Department of Environmental Quality at (602) 771-4619."

3. This approval is based on the following approved documents:

- a. Amended Final Plat of Linden Trails, sealed by Kenneth P. Converse, R.L.S., Certificate No. 29259, dated 7/14/03, approved by Board of Supervisors of Navajo County on 7/14/03
- b. Geological Report of Septic Tank Installations, Linden Trails, Linden, Arizona, sealed by Jenny Vitale P.E., Certificate No. 37891, dated 3/28/03
- c. ADEQ Application for Approval of Sanitary Facilities for Subdivisions, for Linden Trails, signed by Vitale, President, Mustang Development, Inc., dated 3/18/04, including:
- i. ADEQ 208 Consistency Review Letter, dated 8/1/03
  - ii. County Approval Form 113-S, approved 5/23/03
  - iii. Garbage Service Agreement, dated 7/22/02
  - iv. Garbage Disposal Agreement, dated 8/15/02
- d. Letter report to Jenny Vitale, P.E., by Hydro Geo Chem, Inc., dated 10/23/03

**EXHIBIT B**



Janet Napolitano  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007  
(602) 771-2300 • <http://azdeq.gov>



Stephen A. Owens  
Director

## Notice of Administrative Deficiencies

December 10, 2004

Mustang Development  
Jeff Vitale  
3951 Kael Circle  
Mesa, AZ 85215

Licensing time frames tracking ID: ~~#34392~~ Project application ID: 20020618  
Other identification description: Linden Trails Subdivision

Dear Mr. Vitale:

ADEQ review of your application referenced above is subject to the requirements of the licensing time frames statute under A.R.S. § 41-1072 through § 41-1079 and the licensing time frames rules under A.A.C. R18-1-501 through R18-1-525. During the course of review of your application, ADEQ has determined that the application is not administratively complete in accordance with the licensing time frames statute and rules and does not contain all application components required by statute or rule and necessary for ADEQ to grant the license you requested.

This letter is the written notification of this determination required under A.R.S. § 41-1074 and A.A.C. R18-1-503(C). This determination causes the running of days within all time frames on your application to suspend until you respond with all information identified on the comprehensive list of specific deficiencies attached to this letter.

Failure to submit a complete application in accordance with R18-1-503(A) within TWO MONTHS of receipt of this notice means that ADEQ expects to proceed to a final licensing decision on your application without further notice.

You may, in lieu of submitting some or all of the components identified on the list, submit whatever information you believe necessary to support the grant of the license you requested along with a timely written "notice of intent to rely on the application components as submitted" under A.A.C. R18-1-205(B) and R18-1-520. A timely notice is one submitted prior to ADEQ making a licensing decision on your application and submitted within:

X TWO MONTHS, \_\_\_ ONE MONTH, \_\_\_ TWO WEEKS, \_\_\_ ONE WEEK,

Upon receipt of a timely notice, ADEQ must either (1) rescind or modify its request for the application component or components objected to in your notice or (2) make a licensing decision. Also, if the running of days within the time frames is suspended, receipt of a timely notice by ADEQ will cause the running of days to resume.

Please make all submittals in response to this letter to, or if you have questions regarding this matter, Steve Camp, Field Services Unit-East at (928) 773-2712.

Sincerely,

  
Harley R. Hiatt, P.E.  
Manager, Field Services Unit - East

cc: Northern Regional Office  
Jenny Vitale, 3321 N. Nebraska Street, Chandler, AZ 85225  
ADEQ-NRO Database, Reading/Construction Files

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Northern Regional Office  
1575 East Cedar Avenue • Suite F • Flagstaff, AZ 86004  
(928) 779-0313

Southern Regional Office  
400 West Congress Street • Suite 433 • Tucson, AZ 85701  
(520) 628-6733



Janet Napolitano  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007  
(602) 771-2300 • www.adeq.state.az.us



Stephen A. Owens  
Director

## Comprehensive List of Specific Deficiencies (for use during the administrative completeness review time frame)

Attachment to the notice of administrative deficiencies dated December 10, 2004  
Licensing time frames tracking ID: #34692 Project application ID: 20020618  
Other identification description: Linden Trails Subdivision

### Part A: Essential Application Components.

A clerical review of your application finds the following application components missing from the application. Failure to submit all of the components listed in this part will mean that ADEQ will have no authority to grant you any license within the license category that this application is being processed and that ADEQ will then be required to deny your application.

State law (at A.R.S. § 41-1072(1)) prohibits an agency from performing a substantive review of your application until the application is administratively complete. This means that other or more specific deficiencies of this type (essential) may be identified during the later substantive review process and that not all deficiencies of this type are identified here.

Submit the quality control testing results and calculations, including pressure and microbiological testing, and disinfectant residual records. Pursuant to A.A.C. R18-5-508.C, the testing results shall be submitted with the Engineers Certificate of Completion.

Please note the Northern Regional Office may conduct a field inspection to determine if on-site conditions meet the as-built and/or approved plans prior to issuing an Approval of Construction. Contact me at (928) 773-2712, if you have any questions or concerns and thank you for your cooperation and efforts to protect Arizona's most precious resource - water quality.

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Northern Regional Office  
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004  
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