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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
DOCKETED

JUL 19 2007

DOCKETED BY

6 Attorneys for Balterra Sewer Corp.

BEFORE THE ARIZONA CORPORATION COMMISSION

9 IN THE MATTER OF THE APPLICATION  
10 OF BALTERRA SEWER CORP. FOR A  
11 CERTIFICATE OF CONVENIENCE AND  
12 NECESSITY TO PROVIDE WASTEWATER  
13 SERVICE IN MARICOPA COUNTY,  
14 ARIZONA.

DOCKET NO. SW-20403A-05-0586

NOTICE OF COMPLIANCE WITH  
DECISION NO. 68742

13 Balterra Sewer Corp. ("Balterra"), an Arizona corporation, hereby submits this Notice of  
14 Compliance with certain filing deadlines set forth in Decision No. 68742 (June 5, 2006) and  
15 amended by procedural order on May 21, 2007. Decision No. 68742 required Balterra to file a  
16 copy of the Approval to Construct by the Maricopa County Environmental Services Department  
17 ("MCESD") for the proposed Phase I wastewater treatment plant by June 30, 2007. By  
18 procedural order dated May 21, 2007, the deadline was extended to October 30, 2007.

19 Attached hereto as **Exhibit 1** is the Certificate of Approval to Construct with Stipulations,  
20 issued by the MCESD on June 28, 2007.

21 DATED this 19<sup>th</sup> day of July, 2007.

FENNEMORE CRAIG, P.C.

23  
24 By:   
25 Jay L. Shapiro  
26 Patrick J. Black  
Attorneys for Balterra Sewer Corp.

1 ORIGINAL and 13 copies hand-delivered  
this 14th day of July, 2007 to:

2 Docket Control  
3 Arizona Corporation Commission  
4 1200 West Washington Street  
Phoenix, Arizona 85007

5 COPY of the foregoing hand-delivered  
this 14th day of July, 2007 to:

6 Kim Battista, Compliance  
7 Utilities Division  
8 Arizona Corporation Commission  
9 1200 W. Washington Street  
Phoenix, Arizona 85007

10 By Maria Sanjoe  
11 1938331.1/16357.002

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# **EXHIBIT**

**1**



# Maricopa County

Environmental Services

Water and Waste Management Division

1001 N. Central Ave., Suite 150  
Phoenix, AZ 85004  
Phone: (602) 506-6666  
Fax: (602) 506-6925  
TDD: 602 506 6704  
www.maricopa.gov/envsvc

Date: June 28, 2007  
Owner: Balterra Sewer Corporation

MCESD Project #: 2011365  
System ID #: 04-37-405

## CERTIFICATE OF APPROVAL TO CONSTRUCT WITH STIPULATIONS

**PROJECT DESCRIPTION:** Balterra Sewer Corporation Wastewater Treatment Plant (WWTP), Phase 1A. The project includes construction of a 0.4-MGD average day maximum month (ADMM) WWTP. The WWTP will be expanded to 3.3 MGD ADMM to serve the Balterra Development and to as much as 22.5 MGD for a regional plant. The WWTP includes: a headworks with an influent pumping station, fine screens, and grit removal; a membrane biological reactor (MBR) complex with anoxic basins, oxic basins, seven (7) Enviroquip EW400 membranes, pipe gallery, and UV disinfection; and recharge basins for reclaimed water disposal. The WWTP support facilities include: a temporary leased administration building; a service building with a blower room and motor control center; an emergency generator. The Phase 1 and 2 basins will be constructed as part of the Phase 1A project to simplify future expansion of the WWTP.

**LOCATION:** Maricopa County  
North of Indian School Road and east of 407<sup>th</sup> Avenue  
T2N, R6W, Sec 19 & T2N, R7W, Sec 24

**PROJECT OWNER:** Attention: James Condit, P.E.  
Balterra Sewer Corporation  
6720 N. Scottsdale Rd., Suite 250  
Scottsdale, AZ 85253

Pursuant to Maricopa County Environmental Health Code Chapters II and V, approval to construct the above-described facilities as represented in the approved plan documents on file with the Maricopa County Environmental Services Department is hereby given subject to the following provisions:

1. This Certificate of Approval to Construct is based on submission of: an Application for Approval to Construct prepared by the Owner dated 5/8/06; a design report prepared by Peter Chan, P.E. (#30677) dated 10/5/06; engineering plans prepared by Peter Chan, P.E. (#30677) dated 11/13/06; and specifications prepared by Peter Chan, P.E. (#30677) dated 5/4/06.
2. A Request for a Certificate of Approval of Construction, together with an Engineer's Certificate of Completion (including all testing documentation), and a full set of sealed, engineered as-built plans, shall be submitted to this Department prior to granting Approval of Construction and startup.
3. An Operation and Maintenance Manual for the new facilities, prepared in accordance with Engineering Bulletin #11 and specific to this facility, shall be submitted to and approved by this Department prior to granting Approval of Construction and startup.
4. A signed copy of the applicable discharge permits (APP, AZPDES, Reuse, Underground Water Storage, Air Quality) shall be submitted prior to the Department granting Approval of Construction and Startup.

5. A final construction inspection of the project shall be scheduled with the Department prior to granting Approval of Construction and startup.
6. The Phase 1A facilities shall be subject to a 30-day performance test. Testing shall be performed as soon as the process is stabilized and shall include testing for the parameters listed below, at the specified locations and frequencies. These test requirements are general and, with Department approval, they may be modified to suit the layout and processes of the facility.

**30-day Performance Testing Requirements<sup>1</sup>**

Parameter	Sampling Point	Sample Type	Sampling Frequency
Flow (gal/day)	Influent	Metered Value	Daily Total
BOD <sub>5</sub> (mg/l)	WWTP Influent and Effluent	Discrete	Weekly
COD (mg/l)	WWTP Influent and Effluent	Discrete	Weekly
TSS (mg/l)	WWTP Influent and Effluent	Discrete	Weekly
pH	Influent and Effluent	Discrete	Daily
Temperature (°C)	Influent	Discrete	Daily
Dissolved Oxygen (mg/l)	Each MBR Basin	Discrete	Daily
MLSS (mg/l)	Clarifier	Discrete	Daily
MLVSS (mg/l)	Clarifier	Discrete	Weekly
WAS Flow (gal/day)	All Pumped Locations	Total Gallons Pumped	Per Removal
Turbidity (NTU)	WWTP Effluent	Continuous	Daily Average and Maximum Value
Fecal Count (MPN/100 ml)	WWTP Effluent	Per Aquifer Protection Permit	
Total Nitrate (mg/l)	WWTP Influent and Effluent	Per Aquifer Protection Permit	

<sup>1</sup> With MCESD approval, the testing requirements may be modified to suit the design of the facility.

7. This Approval to Construct is void if major modifications occur to the treatment plant without the knowledge and consent of the Department.
8. Any change in the approved design that may affect the capacity, quality, flow, location or operational performance of the system shall be submitted to this Department for review, and Department approval shall be obtained prior to undertaking the work affected by the change.
9. Representative(s) of MCESD shall be allowed access to the site to conduct inspections of the treatment plant during reasonable hours.
10. MCESD reserves the right to modify the Approval of Construction pursuant to future state regulations.
11. A Grade 4 daily on-site wastewater treatment operator, certified by the Arizona Department of Environmental Quality, shall oversee the efficient operation and maintenance of the facilities. The Chief Operator or Superintendent in direct responsible charge in the absence of the Chief Operator shall be certified at a grade no lower than one grade below the grade of the facility.
12. The wastewater treatment plant shall meet all applicable sampling and reporting requirements.
13. The owner or operator shall make such tests and keep such records as are necessary to assure efficient operation of the treatment works. Records of plant operation shall be transmitted to the Department monthly on forms approved by the Department.

14. Any service connection to a reclaimed water distribution system supplied by this WRF shall have a Certificate of Approval of Construction issued by this Department.
15. No connection shall exist between potable and non-potable water.
16. Provide appropriate signage and a hose rack for all hose bibb connections (both potable and non-potable).
17. By the time the ADMM flow to the Phase 1A Water Reclamation Facility reaches eighty percent (80%) of the facility's rated capacity (i.e. 0.32 MGD), the Owner shall have initiated planning and design of the next expansion of the facility.
18. By the time the ADMM flow to the Phase 1A Water Reclamation Facility reaches ninety percent (90%) of the facility's rated capacity (i.e. 0.36 MGD), the Owner shall have initiated construction of the next expansion of the facility.

If construction has not commenced within one year of the plan approval date, or if there is a halt in construction of more than one year, or if construction is not completed within three years, this certificate will expire.

#### **WATER AND WASTE MANAGEMENT DIVISION**

By *Kenneth R. James, P.E. for*  
**Dale G. Bodiya, PE, Manager**  
**Water / Wastewater Treatment Program**

**Plan Approval Date:** June 28, 2007

cc: Peter Chan, PE, CSA Engineering, 4645 Cotton Center Blvd., Bldg 2, Suite 169  
Phoenix, AZ 85040  
Kevin Chadwick, PE, Manager, MCESD, Water and Waste Management Division  
Utilities Division - Engineering Section, Arizona Corporation Commission  
1200 W. Washington, Phoenix, AZ 85007-2996  
MCESD file