

ORIGINAL



0000083461

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

50

COMMISSIONERS

MIKE GLEASON - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

2008 MAR 31 P 4:33

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
WATER UTILITY OF GREATER TONOPAH,
INC., AN ARIZONA CORPORATION, FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-02450A-06-0253

**NOTICE OF
COMPLIANCE FILING**

Under Decision 70037 (December 4, 2007), Water Utility of Greater Tonopah ("WUGT") is required to submit by March 31, 2008 "documents demonstrating that its water systems are in compliance with the new arsenic standard of 10 ppb." Accordingly, WUGT submits the attached document demonstrating arsenic compliance. In another docket Staff has already reviewed WUGT's arsenic compliance and found full compliance. Attached is Staff's Notice of Filing dated February 19, 2008 in Docket No. W-02450A-07-0290, wherein Staff states that WUGT is in compliance with the new arsenic standard. Staff's notice includes copies of the documents reviewed by Staff to reach that conclusion.

RESPECTFULLY SUBMITTED this 31st day of March 2008.

ROSHKA DEWULF & PATTEN, PLC

Arizona Corporation Commission

DOCKETED

MAR 31 2008

DOCKETED BY ne

By Timothy J. Sabo

Michael W. Patten
Timothy J. Sabo
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004

ROSHKA DEWULF & PATTEN, PLC

ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 Original and 13 copies of the foregoing
2 filed this 31st day of March 2008 with:

3 Docket Control
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 Copy of the foregoing hand-delivered/mailed
8 this 31st day of March 2008 to:

9 Lyn Farmer, Esq.
10 Chief Administrative Law Judge
11 Hearing Division
12 Arizona Corporation Commission
13 1200 West Washington
14 Phoenix, Arizona 85007

15 Christopher C. Kempley
16 Chief Counsel, Legal Division
17 Arizona Corporation Commission
18 1200 West Washington
19 Phoenix, Arizona 85007

20 Ernest G. Johnson, Esq.
21 Director, Utilities Division
22 Arizona Corporation Commission
23 1200 West Washington
24 Phoenix, Arizona 85007

25 Brian Bozzo
26 Compliance Manager
27 Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

19

20

21

22

23

24

25

26

27

By 

BEFORE THE ARIZONA CORPORATION COMMISSION



COMMISSIONERS

- MIKE GLEASON, Chairman
- WILLIAM A. MUNDELL
- JEFF HATCH-MILLER
- KRISTIN K. MAYES
- GARY PIERCE

IN THE MATTER OF THE APPLICATION OF
WATER UTILITY OF GREATER TONAPAH,
INC., AN ARIZONA CORPORATION FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-02450A-07-0290

NOTICE OF FILING

As requested by the Administrative Law Judge during the hearing held February 8, 2008, attached is a Compliance Report by the Utilities Engineering Division regarding the applicant's compliance in another docket, Docket No. W-02450A-04-0837.

RESPECTFULLY submitted this 19th day of February, 2008.

Robin R. Mitchell
Attorney, Legal Division
1200 West Washington Street
Phoenix, Arizona 85007
Telephone: (602) 542-3402

Original and thirteen (13) copies
of the foregoing were filed this
19th day of February, 2008 with:

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

Copy of the foregoing mailed this
19th day of February, 2008 to:

Michael W. Patten, Esq.
Timothy J. Sabo, Esq.
Roshka, DeWulf & Patten, PLC
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004

MEMORANDUM

TO: Robin Mitchell, Esq.
Legal Division

FROM: Dorothy Hains, P. E. *DH*
Utilities Engineering Section

DATE: February 14, 2008

RE: WATER UTILITY OF GREATER TONOPAH, INC. (DOCKET NO. W-02450A-04-0837)

Background

On May 3rd, 2007 Administrative Law Judge ("ALJ") issued a procedural order. In the order, ALJ ordered Water Utility of Greater Tonopah, Inc. ("WUGT") to file "...by December 31, 2007, with the Commission's Docket Control, evidence of compliance with the new arsenic standard;" On December 31, 2007 WUGT filed documents with Docket Control to comply with this order. On February 5, 2008, WUGT filed a Point-of-Use ("POU") tariff application with Docket Control (W-02450A-08-0070).

Analysis

WUGT installed arsenic treatment plants (centralized treatment plant, blending treatment plant and POU treatment devices) in all seven systems. On February 13 and 14 of 2008, Staff received a summary of field test results of arsenic in all systems via e-mails from WUGT. The summary of the test results are listed in the following table:

System Name	PWS #	Arsenic Level ($\mu\text{g/l}$ or ppb)	Is below arsenic MCL (10 $\mu\text{g/l}$)
Sunshine	07-071	< 2	Yes
B&D	07-618	4	Yes
Dixie	07-030	8.5	Yes
WPE #6	07-733	< 2	Yes
Garden City	07-037	6	Yes
Roseview	07-082	< 2	Yes
WPE #7	07-617	< 4	Yes
WPE #1	N/A	< 4	Yes

Conclusion

Based on the test results submitted by WUGT, it is in compliance with the arsenic standard in all arrears where WUGT providing arsenic treatment.

Attachment
2/14/08 & 2/13/08 emails.

Page 2

cc.: Shannon Kanlan
Katrin Stukov
Del Smith

Dorothy Hains

From: Graham Symmonds [Graham.Symmonds@gwresources.com]
Sent: Thursday, February 14, 2008 11:22 AM
To: Dorothy Hains
Cc: Tim Sabo; Robin Mitchell
Subject: RE: WUGT POU (08-0070)

Dorothy – I confirmed that the field test data is < 4 ppb for WPE 1.

Graham

From: Dorothy Hains [mailto:DHains@azcc.gov]
Sent: Thursday, February 14, 2008 8:49 AM
To: Graham Symmonds
Cc: Tim Sabo; Robin Mitchell
Subject: RE: WUGT POU (08-0070)

Graham, good morning:

i talked to steve o this morning, we can use the field test results to state whether wugt is in compliance w arsenic standard without the county's statement. i need you to give the wpe #1 test results asap, so i can write a short memo to robin and close up this hole. thx.

dorothy
 2-14-08

From: Graham Symmonds [mailto:Graham.Symmonds@gwresources.com]
Sent: Wednesday, February 13, 2008 3:02 PM
To: Dorothy Hains
Cc: Tim Sabo
Subject: RE: WUGT POU (08-0070)

Dorothy:

Here is the data:

Sunshine System (PWS #07-071)	< 2 ppb
B&D System (PWS #07-618)	4 ppb
Dixie System (PWS #07-030)	8.5 ppb
WPE #6 System (PWS #07-733)	< 2 ppb
Garden City (PWS #07-037)	6 ppb

Roseview System (PWS #07-082) POU system. 14 of 16 units installed (1 vacant home, 1 refusal). 2 sampled sites <2 ppb. ADEQ/MCESD requires lab samples of 10% of units in each three-year compliance period. Field tests show <4 ppb.

2/14/2008

Tufte (WPE 7)
well.

POU system. Field tests < 4 ppb. I have 2 hold outs in this system as

WPE 1
tomorrow.

POU System. I am tracking down the data on this one. Should have it

I need to get the tariff to drive home the requirement for people to allow the installation of the units (in order for me to get AOC, MCESD is requiring 100% participation; ADEQ requires 75% initial and then allows for some time to get the remainder).

From: Dorothy Hains [mailto:DHains@azcc.gov]
Sent: Wednesday, February 13, 2008 9:56 AM
To: Graham Symmonds
Cc: Tim Sabo
Subject: WUGT POU (08-0070)

Graham, good morning:

Just in case I don't catch opportunity to talk to you, I'm writing this request for this tariff application. Can you forward lab test results and/or field kit test results for Roseview, WPE #6 and WPE #1 systems to me? Also, have you agreed to give me the wavier of the time clock yet? Thx.

Dorothy
2-13-08

Dorothy Hains, P.E.
Utilities Division
Az Corporation Commission
ph: 602-542-7274
fax: 602-542-0766

=====
This footnote confirms that this email message has been scanned to detect malicious content. If you experience problems, please e-mail postmaster@azcc.gov
=====

=====
This footnote confirms that this email message has been scanned to detect malicious content. If you experience problems, please e-mail postmaster@azcc.gov
=====

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER INORGANIC CHEMICAL ANALYSIS REPORT
 *** SAMPLES TO BE TAKEN AT P.O.E. ONLY***

07-618

B & D

System ID

System Name

01/14/2008 13:00 (24 hr clock)

Susan Armijo

Sample date Sample time

Owner / Contact Person Name

(623) 580-9659

(623) 580-9600

Owner / Contact Fax Number

Owner / Contact Person Phone Number

Sample Type

Compliance Monitoring

Sample Collection Point

Point of Entry#

For MCL or Composite Level Exceedance

Original Violation Specimen Number

Sample Type

Confirmation

Confirmation Composite

EPDS 002

Sampling Site ID

INORGANIC CHEMICAL ANALYSIS

>>>>To be filled out by laboratory personnel<<<<

Analysis Method	MCL	Reporting Limit	Contaminant Name	Cont. Code	Analysis Run Date	Result	Exceeds MCL	Exceeds Reporting Limit
EPA 200.9	0.01	0.01	Arsenic	1005	01/21/2008 13:37	0.004	<input type="checkbox"/>	<input type="checkbox"/>
SM 4500 F C	4	2	Fluoride	1025	01/16/2008 8:00	3.23	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Calculation	10	5	Nitrate (as N)	1040	01/24/2008 17:32	1.37	<input type="checkbox"/>	<input type="checkbox"/>
SM 4500 NO2 B	1	0.5	Nitrite (as N)	1041	01/15/2008 16:20	<0.10	<input type="checkbox"/>	<input type="checkbox"/>

8010815-02

SPECIMEN NUMBER

>>>> LABORATORY INFORMATION <<<<<

To be filled out by laboratory personnel

ID Number AZ0004

Name: Legend Technical Services of Arizona

Comments:

Authorized Signature: *Barbara Frank*

Date Public Water System Notified: _____

* Unregulated Contaminants

All units must be reported in milligrams per liter (mg/L)

DWAR 2IN: Revised 2003

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER INORGANIC CHEMICAL ANALYSIS REPORT
 *** SAMPLES TO BE TAKEN AT P.O.E. ONLY***

07-733

WPE #6

System ID

System Name

01/14/2008 8:45 (24 hr clock)

Susan Armijo

Sample date Sample time

Owner / Contact Person Name

(623) 580-9659

(623) 580-9600

Owner / Contact Fax Number

Owner / Contact Person Phone Number

Sample Type

Compliance Monitoring

Sample Collection Point

Point of Entry#

For MCL or Composite Level Exceedance

Original Violation Specimen Number

Sample Type

Confirmation

Confirmation Composite

Finished - EPDS

Sampling Site ID

INORGANIC CHEMICAL ANALYSIS

>>>To be filled out by laboratory personnel<<<

Analysis Method	MCL	Reporting Limit	Contaminant Name	Cont. Code	Analysis Run Date	Result	Exceeds MCL	Exceeds Reporting Limit
EPA 200.9	0.01	0.01	Arsenic	1005	01/21/2008 13:37	<0.002	<input type="checkbox"/>	<input type="checkbox"/>
SM 4500 F C	4	2	Fluoride	1025	01/18/2008 14:00	1.06	<input type="checkbox"/>	<input type="checkbox"/>
Calculation	10	5	Nitrate (as N)	1040	01/24/2008 17:32	1.48	<input type="checkbox"/>	<input type="checkbox"/>
SM 4500 NO2 B	1	0.5	Nitrite (as N)	1041	01/15/2008 16:20	<0.10	<input type="checkbox"/>	<input type="checkbox"/>

8010819-04

>>>> LABORATORY INFORMATION <<<<<

To be filled out by laboratory personnel

SPECIMEN NUMBER

ID Number AZ0004 Name: Legend Technical Services of Arizona

Comments:

Authorized Signature: *Barbara Frank*

Date Public Water System Notified:

* Unregulated Contaminants

All units must be reported in milligrams per liter (mg/L)

DWAR 2IN: Revised 2003

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER INORGANIC CHEMICAL ANALYSIS REPORT
 SAMPLES TO BE TAKEN IN P.O.E. ONLY

[0/7 - 0/3/0] System ID
 [02/14/07] [12 : 55] (24 Hr clock) System Name Dixie
 Sample Date 02/14/07 Sample time 12 : 55 Owner/Contact Person Name Susan Armijo
 (623) 580 - 9659 Owner/Contact Person Phone Number (623) 580 - 9600
 Owner/Contact Fax Number

SAMPLE TYPE
 Compliance Monitoring
 SAMPLE COLLECTION POINT/ID
 Point of Entry# [_____]
 EPDS #1
 SAMPLING SITE ID

For MCL or Composite Level Exceedance
 [_____]
 Original Violation Specimen Number
 SAMPLE TYPE
 CONFIRMATION
 CONFIRMATION COMPOSITE

***INORGANIC CHEMICAL ANALYSIS ***
 >>> To be filled out by laboratory personnel <<<

Analysis Method	MCL	Reporting Limit	Contaminant Name	Cont Code	Analysis Run Date	Result	Exceeds MCL	Exceeds Reporting Limit
200.9	0.05	0.05	Arsenic	1005	02/22/07	0.0085	<input type="checkbox"/>	<input type="checkbox"/>
200.7	2	2	Barium	1010			<input type="checkbox"/>	<input type="checkbox"/>
200.7	0.005	0.005	Cadmium	1015			<input type="checkbox"/>	<input type="checkbox"/>
200.8	0.1	0.1	Chromium	1020			<input type="checkbox"/>	<input type="checkbox"/>
300.0	4	2	Fluoride	1025			<input type="checkbox"/>	<input type="checkbox"/>
245.1	0.002	0.002	Mercury	1035			<input type="checkbox"/>	<input type="checkbox"/>
300.0	10	5	Nitrate (as N)	1040	02/16/07	8.5	<input type="checkbox"/>	<input checked="" type="checkbox"/>
300.0	1	0.5	Nitrite (as N)	1041			<input type="checkbox"/>	<input type="checkbox"/>
200.8	0.05	0.05	Selenium	1045			<input type="checkbox"/>	<input type="checkbox"/>
200.8	0.006	0.006	Antimony	1074			<input type="checkbox"/>	<input type="checkbox"/>
200.7	0.004	0.004	Beryllium	1075			<input type="checkbox"/>	<input type="checkbox"/>
SM4500-C-E	0.2	0.2	Cyanide	1024			<input type="checkbox"/>	<input type="checkbox"/>
200.7	No MCL		Nickel*	1036			<input type="checkbox"/>	<input type="checkbox"/>
200.8	0.002	0.002	Thallium	1085			<input type="checkbox"/>	<input type="checkbox"/>
200.7	No MCL		Sodium*	1052			<input type="checkbox"/>	<input type="checkbox"/>

>>>> LABORATORY INFORMATION <<<<<
 To be filled out by laboratory personnel

SPECIMEN NUMBER [PQB0511-01]
 ID NUMBER [AZ 0/4/2/6] Name [TestAmerica - Phoenix]
 Comments: [_____]
 Authorized Signature: [*[Signature]*]
 Date Public Water System Notified: [02-23-07]
 *Unregulated Contaminants

All units must be reported in milligrams per liter (mg/l)

Global Water
21410 N. 19th Avenue, Suite 201
Phoenix, AZ 85027

Project: Roseview Water Company
Project Number: 07-082 ROSEVIEW DW MISC-N-120307
Project Manager: Kim Eberenz, Water Quality Specialist

Reported:
12/18/07 13:53

Sample 1 Willetta (48043 W. Willetta) (7120318-01) Drinking Water (Grab) Sampled: 12/03/07 13:02 Received: 12/05/07 15:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
---------	--------	-----	-------	----------	-------	----------	----------	--------	-------

Total Metals

Arsenic	<0.002	0.002	mg/L	1	B7L0414	12/17/07 16:00	12/17/07 16:33	EPA 200.9	
---------	--------	-------	------	---	---------	----------------	----------------	-----------	--

Sample 2 Portland (47937 W. Portland) (7120318-02) Drinking Water (Grab) Sampled: 12/03/07 13:31 Received: 12/05/07 15:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
---------	--------	-----	-------	----------	-------	----------	----------	--------	-------

Total Metals

Arsenic	<0.002	0.002	mg/L	1	B7L0414	12/17/07 16:00	12/17/07 16:33	EPA 200.9	
---------	--------	-------	------	---	---------	----------------	----------------	-----------	--