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PARKER LAKEVIEW ESTATES HOMEOWNERS ASSO

PARKER SPRINGS WATER COMPANY

HC2 Box 193

Patagonia, Arizona 85624-9061

Arizona Corporation Commission Docket No.

W-01853A-08-0024

ORIGINAL

Victor D. Chacon, President
(520) 623-3187

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(520) 455-9345

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Arizona Corporation Commission

DOCKETED

May 16, 2008

MAY 19 2008

Arizona Corporation Commission
1200 W. Washington
Phoenix, Arizona 85007

DOCKETED BY [Signature]

Re: Tariff Schedule: On-site Wastewater Treatment Facility Inspection Required

To Whom It May Concern:

I am in receipt of Mr. Scott's recommendation to the Commission regarding Parker Springs Water Company's (PSWC) tariff addition request. Where as your staff's assessment of Parker Springs Water Company's (PSWC) tariff proposal and their subsequent recommendation for its denial to the Commission refers to this utility's customers, the proposal actually refers to those "applicants" (R14-2-401, 2) requesting water service needing to have an installed an inspected on-site wastewater treatment facility before PSWC accepts the applicant as a "permanent customer" (R14-2-401, 20) and before the utility initiates "permanent service"(R14-2-401, 21).

An "applicant" would include, but not limited to the following:

1. Those persons requesting the utility to supply water service where a new on-site wastewater treatment facility has been installed and inspected by Cochise County. A copy of the County's inspection form would satisfy this requirement.
2. Those persons requesting the utility to supply water service following the transfer of a property's ownership. The Arizona Department of Environmental Quality (ADEQ) rules require any person transferring a

property served by an on-site wastewater treatment facility (either a conventional septic tank system or an alternative system) to have a “transfer of ownership inspection” performed on the respective on-site wastewater treatment facility. The seller of the property served by the on-site system must retain an ADEQ qualified inspector to perform the inspection not more than six months before the date of the property transfer. And, before the property is transferred, the seller of the property must provide the buyer the completed Report of Inspection. A copy of the completed Report of Inspection would satisfy PSWC proposed requirement.

3. Those persons requesting re-establishment of water service following a certain period of “no service”. Documentation attesting the on-site wastewater disposal system has been pumped, up graded to the current Cochise County code if necessary, and, inspected by an owner of a vehicle licensed under ADEQ rules to pump or haul septage, or an employee of the licensee, or, a person qualifying under another category designated by ADEQ would satisfy this requirement.

*

Contrary your staff’s assessment, this tariff request is not PSWC’s method by which to have applicants and/or customers comply with state or local ordinances regarding individual on-site wastewater treatment facilities. Compliance with state or local ordinances belongs to and remains with the individual applicant and/or customer, before their initiation of an application for water service and throughout their tenure as permanent customers of PSWC. Furthermore, enforcement of applicable state and local ordinances falls within the strict purview of the applicable state or local agencies, none of which PSWC may assume.

PSWC would be remiss and operating contrary to the will of PSWC’s 1993 customer/member’s mandate to limit water service to those applicants who approach this utility with a completely installed, safe, fully operational on-site wastewater disposal system that is not likely to threaten the utility’s ground and surface water sources.

Moreover, PSWC would be remiss if it were to accept an applicant and provide permanent water service knowing or suspecting the applicant’s on-site wastewater treatment facility is potentially or likely to be detrimental to the health and safety of the applicant, the general population, or the utility’s personnel or facilities. For example, if the utility were to accepted an applicant for permanent service:

- Knowing or suspecting that applicant’s on-site wastewater treatment facility had been a “wildcat” installation, that is to say the facility was completed without the knowledge and administration of Cochise County, or,

- Knowing or suspecting that a transfer of property had occurred and the required ADEQ inspection had been knowingly or unwittingly circumvented, or,
- Following a certain period of “no service”, knowing or suspecting an applicant’s on-site wastewater facility no longer meets Cochise County Codes, and requires up-grading to bring it up to the most current science on septic systems.

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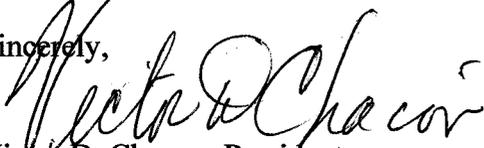
All sewage facilities in Arizona, from large regional wastewater treatment plants to household on-site systems, are regulated under the Arizona Department of Environmental Quality (ADEQ Aquifer Protection Permit (APP) program. ADEQ was established by the Arizona Environmental Quality Act of 1985. Its purpose being to serve as a separate, cabinet-level agency to administer all of Arizona's environmental protection programs. ADEQ was created to identify, assess and remediate contaminated sites with the potential to impact public health or groundwater. Prior to 1985, the state's environmental programs were managed by a collection of offices in the Arizona Department of Health Services.

Albeit, your staff’s conclusions that the Arizona Administrative Code (“ACC”) Rules on Water provides no rules for on-site wastewater facilities, omits *Rule 14-2-407, B1. Customer Responsibility*. This rule is the umbilical linking ACC’s Rules on Water to ADEQ’s rules on-site wastewater treatment facilities. The rule states that each customer shall be responsible for maintaining all facilities on the customer’s side of the point of delivery in a safe and efficient manner and in accordance with the rules of the state Department of Health, that is to say, ADEQ.

I have addressed the salient points of your staff’s assessment of PSWC’s tariff addition request. PSWC sincerely request that you reconsider staff’s recommendation of denial and consider instead, its approval.

Requiring applicants to provide proof that there is an on-site wastewater treatment facility on their property and also that the facility is safe and not likely to create a water contamination hazard because it meets current Cochise County codes is not only reasonable, but necessary to protect and preserve our water source now and in the future. ACC’s Rules on Water and ADEQ rules on on-site wastewater disposal systems are linked and together create a comprehensive means for water utilities to provide a consistent flow of clean safe potable water on demand.

Sincerely,



Victor D. Chacon, President
Lakeview Estates HOA
Parker Springs Water Company

PARKER LAKEVIEW ESTATES HOMEOWNERS ASSOCIATION, INC.

PARKER SPRINGS WATER COMPANY

HC2 Box 193

Patagonia, Arizona 85624-9061

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(520) 455-9355

February 20, 2008

Jim DeRosa,
356 W. Camino DeMesa,
Huachuca City, AZ 85616
(520) 456-9798

Dear Mr. DeRosa:

I recently learned of your acquisition of the Garrett property in Parker Lakeview Estates. On behalf of Parker Springs Water Company's (PSWC) board of directors, welcome to our unique community. We look forward towards serving your potable water needs.

The Arizona Department of Environmental Quality (ADEQ) rules require any person transferring a property served by an on-site wastewater treatment facility (either a conventional septic tank system or an alternative system) to have a "transfer of ownership inspection" performed on the respective on-site wastewater treatment facility. The seller of the property served by the on-site system must retain an ADEQ qualified inspector to perform the inspection not more than six months before the date of the property transfer. And, before the property is transferred, the seller of the property must provide the buyer the completed Report of Inspection.

As is the case with ADEQ, PSWC's intent is to protect public health and prevent contamination of our surface water and groundwater resources. The purpose of this letter is to request your written verification, that is, a copy of the completed Report of Inspection of your septic system sometime within the next thirty days (30) from the date of this letter.

You may obtain further information on ADEQ's rules requiring transfer of ownership inspections by contacting: ADEQ Southern Regional Office, 400 W. Congress, Suite 433, Tucson, AZ 85701, Phone: (520) 628-6733 or, toll free, at (888) 271-9302.

Please call me, or Mrs. Gail Spain if you have a question regarding this request.

Sincerely,



Victor D. Chacon, President
Parker Lakeview Estates HOA, Inc.

**PARKER LAKEVIEW ESTATES
HOMEOWNERS ASSOCIATION
HC2 Box 193
Patagonia, Arizona 85624-9061**

November 28, 2007

**William Thomas, Lot 60
P.O. Box 11503
Tucson, Arizona 85743-1503**

Dear Mr. Thomas:

I have read your letter dated November 6, 2007, which you posted to Mrs. Gail Spain, Parker Lakeview Estates HOA's treasurer and Parker Springs Water Company's (PSWC) administrator.

PSWC will not establish a water account in your name or install metered water service to your property(s) until you provide the requisite application, remittance, and documented proof that you have a functional, recently inspected, Cochise County sanctioned septic system servicing your dwelling.

On September 23, 1993, a quorum of homeowners/customers of Parker Lakeview Estates HOA, Inc. voted to require all applicants for water service to provide proof of a safe, functional, Cochise County inspected septic system before PSWC moves to establish a water account and metered water service. Homeowners were concerned over the type and state of certain sanitary waste disposal systems within the utility's service area. They were concerned over the continuing health issues these systems posed to the community and for the potential contamination of our source of drinking water. This mandate is still in effect.

You are not now and you have never been a member/customer of the HOA/Parker Springs Water Company. There are no indications as to when your system was installed. However, the previous owner of your dwelling terminated PSWC water service approximately seventeen (17) years ago. The water meter was subsequently removed and your dwelling has been without PSWC water service throughout your ownership.

In the utility's judgment, pursuant to Arizona Administrative Code (ACC) Title 14, Ch. 2, R14-2-403, Establishment of Service, paragraph C.2, there is cause to believe conditions exist within your current sanitary waste disposal system, which, if re-charged with PSWC water, are unsafe and hazardous to you, the general population, and to our source of drinking water.

This utility is bound by its need to protect, conserve, and preserve its water

source. It is required to adhere to Arizona Department of Environmental Quality water quality rules, Arizona Corporation Commission's rules on water, and, by the September 23, 1993, HOA mandate described above. An arbitration hearing before the Arizona Corporation Commission (ACC) may be the only way to resolve this matter and we encourage you to pursue this option.

I have included a copy of ACC R14-2-411, Administrative and Hearing Requirements, which outlines the complaint process. Upon receipt of your written agreement to pursue arbitration, we will contact the ACC and arrange a hearing date that is agreeable to all parties. Additionally, you can go to website <http://www.azcc.gov/divisions/utilities/consumerservices.asp> for more help and information.

However, at any time prior to this meeting, you may, at your option provide the requisite application, remittance, and documented proof that you have a functional, recently inspected, Cochise County sanctioned septic system servicing your dwelling.

We sincerely regret this impasse. PSWC wants you as a customer. We will gladly establish a water account in your name, install a water meter, and provide your property with an adequate supply of water once this matter is resolved.

Sincerely,



**VICTOR D. CHACON, President
PARKER LAKEVIEW ESTATES HOA, Inc.
dba, Parker Springs Water Company**

(520) 455-9236
vchacon5@cox.net

cc: Reg Lopez, Arizona Corporation Commission, Tucson, Az.