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Suite 2600
4 Phoenix, Arizona 85012
Telephone (602) 916-5000

6 Attorneys for The Links at Coyote Wash Utilities, LLC

7 **BEFORE THE ARIZONA CORPORATION COMMISSION**

8
9 IN THE MATTER OF THE APPLICATION
OF THE LINKS AT COYOTE WASH
10 UTILITIES, LLC, FOR AN EXTENSION OF
ITS EXISTING CERTIFICATE OF
11 CONVENIENCE AND NECESSITY FOR
WASTEWATER SERVICE IN YUMA
12 COUNTY, ARIZONA.

DOCKET NO. SW-04210A-06-0220

**MOTION FOR EXTENSION OF TIME TO
COMPLY WITH DECISION NO. 69209**

13 The Links at Coyote Wash Utilities, L.L.C. ("Company"), an Arizona public service
14 corporation, hereby submits this Motion for Extension of Time to Comply ("Motion") with
15 Decision No. 69209 (December 21, 2006). In Decision No. 69209, the Commission required as
16 matters of compliance, among other things, that the Company:

- 17 1) file all Approvals of Construction (AOCs) for the extension area granted; and
18 2) file a copy of the amended Aquifer Protection Permit ("APP") issued by the
19 Arizona Department of Environmental Quality ("ADEQ") by December 31, 2008.

20 The extension area granted by Decision No. 69209 includes two subdivisions; the Links at
21 Coyote Wash Unit #3, and the Links at Coyote Wash Unit #4. On March 31, 2009, the Company
22 filed the AOC for the Links at Coyote Wash Unit #3. However, the Company has only received
23 an Approval to Construct (ATC) for the Links at Coyote Wash Unit #4, attached hereto as Exhibit

24 1. The Yuma County Department of Development Services has extended the ATC deadline for
25 Unit #4 to August 2010. Consequently, the Company is requesting that the deadline to file the
26

1 AOC for the Links at Coyote Wash Unit #4 be extended to August 31, 2010.

2 With respect to the amended APP, the Company's engineering consultant received a letter
3 from ADEQ on February 23, 2009, attached hereto as Exhibit 2, requesting additional
4 information on the Company's pending amendment application. The Company's engineers have
5 been working with ADEQ to respond to these requests. Although it cannot predict when ADEQ
6 may be able to finalize the gathering of pertinent information and processing of the application,
7 the Company is requesting that the deadline to file a copy of its amended APP with the
8 Commission also be extended to August 31, 2010, which would be consistent with the filing of
9 AOCs for Unit #4, if granted.

10 RESPECTFULLY SUBMITTED this 31st day of March, 2009.

11 FENNEMORE CRAIG, P.C.

12
13 By:  for
14 Jay L. Shapiro
15 Patrick J. Black
16 Attorneys for The Links at Coyote Wash
17 Utilities, LLC
18

19 ORIGINAL and 13 copies delivered this
20 31st day of March, 2009, to:

21 Docket Control
22 Arizona Corporation Commission
23 1200 West Washington Street
24 Phoenix, Arizona 85007

25 COPY hand-delivered this 31st day of March, 2009:

26 Carmel Hood, Compliance
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

1 Kevin Torrey
2 Legal Division
3 Arizona Corporation Commission
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 By: *W. N. [Signature]*
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2174409.1/16307.001

EXHIBIT

1

Joshua Scott

From: Richard Stacks [Richard.Stacks@co.yuma.az.us]
Sent: Tuesday, April 22, 2008 3:25 PM
To: Joshua Scott
Subject: Coyote Wash Extension

Attachments: Coyote Wash #4 Extension Approval.doc



Coyote Wash #4
Extension Appro...

Joshua:

Please find attached an Memorandum For Record. This has been included in my file. Please not that the new expiration for ATC is August 2010.

Rick

Rick Stacks, R.S.
Environmental Health Programs Manager
Yuma County
Department of Development Services
Yuma, Arizona 85364
(928)-817-5084

Memorandum For Record

On March 18th, 2008 received request for extension of Approval to Construct for The Links at Coyote Wash Unit #4 from Joshua M Scott, P.E. The original date of expiration was to fall on June 8, 2008. An approval of extension is granted to expire August of 2010. This extension is approved for the sewer and water infrastructure construction only.

Rick Stacks, R.S.
Environmental Programs Manager
Department of Development Services
Yuma County

EXHIBIT

2



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 Request for Additional Information

February 23, 2009

Dwight Zemp, San Tec Corporation
220 Malibu Street
Castlerock, Colorado 80109

Re: Links at Coyote Wash WWTP-Aquifer Protection Permit No. P-105311
Significant Amendment-Substantive Review

Dear Mr. Dow:

The Arizona Department of Environmental Quality received the last response on December 19, 2008, from Dan Dow, P.E., for Santec Corporation. ADEQ's review of this application is subject to the requirements of the licensing time frames ("LTF") statute under Arizona Revised Statutes ("A.R.S.") § 41-1072 through § 41-1079 and the LTF rules under Arizona Administrative Code ("A.A.C.") R18-1-501 through R18-1-525. ADEQ is reviewing this application within the Substantive Review time frame and makes this Comprehensive Request for Additional Information under A.R.S. § 41-1075(A). This Request suspends the time frame for your application as of the date of this Request. To complete this application and resume the time frame you must provide the following missing information.

Hydrologic Review:

This hydrologic review is based upon the following information:

The Links at Coyote Wash WWTP, located in Wellton, Arizona, was issued a permit on March 22, 2004, to provide service to 504 homes. The WWTP was permitted as a phased (two phases) permit with a build-out capacity of 126,000 gallons per day (gpd). The initial phase with a design capacity of 69,300 gpd has been constructed and is currently operating. The second phase has been permitted for 56,700 gpd but not constructed. On February 22, 2006, a significant amendment application was submitted proposing to change the design flow for the second phase from 56,700 gpd to 165,700 gpd due to the addition of approximately 500 new residential sites. With the increased capacity of the second phase, the build-out capacity for the WWTP will be 235,000 gpd. The amendment also requested a permit transfer from the current G-12 LLC to the Links at Coyote Wash Utilities, LLC.

A hydrologic review was performed on the June 14, 2007, submittal and APP files which found the application to be substantively incomplete. Arizona Revised Statute (A.R.S.) §49-243.B states that a person applying for an Aquifer Protection Permit must demonstrate that pollutants discharged will in no event cause or contribute to a violation of Aquifer Water Quality Standards

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Southern Regional Office
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at the applicable point of compliance; or that no pollutants discharged will further degrade at the applicable point of compliance the quality of any aquifer that at the time of the issuance of the permit violate the Aquifer Water Quality Standard for that pollutant. In addition, Arizona Administrative Code (A.A.C.) R18-9-A202 lists the information required to make this demonstration. Therefore, please request that the applicant submit the following information:

1. A topographic map, or other appropriate map approved by the Department, of the facility location and contiguous land area showing the known use of adjacent properties, all known water well locations found within ½ mile of the facility, and a description of well construction details and well uses, if available. (A.A.C. R18-9-A202(A)(1))
2. Part 2 of the WWTP Design Report for the significant amendment application identifies the development as an RV park, whereas the original APP application indicated that this development would consist of two and three bedroom homes. The types of dwellings will affect the WWTP design flow since RV parks use lower design flows than mobile homes and site built homes. Please clarify the type of home sites that are present within the development. (A.A.C. R18-9-A202(A)(3))
3. Clarify how many dwelling units are present? Part 1 of the significant amendment states an additional 500 home sites will be added; Part 2 states that an additional 488 sites will be added to the previous 504 sites for a total of 1000 sites. However, $488 + 504 = 992$. The number of homes will affect the WWTP design flow. (A.A.C. R18-9-A202(A)(3))
4. Sheet F-1 submitted with the 6/14/07 submittal indicates a build-out in three phases whereas the original amendment application indicated only two phases to be constructed. Sheet F-1 also indicates a change in the design flow as follows:

	Phase I	Phase II	Phase III	Build-out
APP Permit	69,300	56,700		126,000
02/22/06 Amendment Application	69,300	165,700		235,000
6/14/07 Submittal	69,300	120,000	120,000	309,300

Please clarify the number of phases and proposed design flows for each phase. (A.A.C. R18-9-A202(A)(3))

5. Review of the water balance included the following questions and recommended changes for input parameters.
 - a. Is the landscape acreage based on the existing golf course or both the existing and proposed golf courses? Please identify the landscape acreage for each golf course.
 - b. The yearly evaporation rate was set at the pan evaporation rate of 99.21 inches per year as determined in Yuma. Pan evaporation rates are generally higher than the actual evaporation rates in ponds and lakes derived from natural conditions. To determine the actual evaporation rates, a correction to the pan evaporation rate is

required. The actual evaporation rates are generally 70% to 80% of the estimated pan evaporation rates. Corrected pan evaporation rates would place the actual evaporation rate between 69.44 and 79.37 in/year. In addition, an estimated evaporation rate derived from Figures 9 and 10 located in ADEQ Bulletin 12 was 79.64 in/year. ADEQ evaluated the water balance using the 79.64 inches/year.

- c. The monthly percentage of daytime hours of the year listed in the spreadsheet was for 34° latitude whereas Wellton is located at 32.67° latitude. The values for 33° latitude were input into the spreadsheet.

Using the above values, the estimated 5-day storage capacity requirement is 7,441,300 gallons. The golf course storage pond was stated to have a 5-day storage volume of 7,406,381 gallons (22.7256 acre-feet). If the storage volume is based on maintaining three feet of freeboard, the freeboard in the permit may be reduced to two feet to ensure sufficient 5-day storage capacity.

Provide information on the freeboard in the effluent storage pond. (A.A.C. R18-9-A202(A)(3))

6. A summary of the hydrogeologic setting at the facility location and surrounding area. The applicant may include information from a previous hydrogeologic study, if the previous study accurately represents current hydrogeologic conditions. (A.A.C. R18-9-A202(A)(11))
7. Provide as-built information, including ADWR Well registration records, for the on-site POC well. (A.A.C. R18-9-A202(A)(11))
8. Please submit groundwater quality and depth data collected from the on-site monitor well. Please provide the information in a tabular format. (A.A.C. R18-9-A202(A)(8)(b)(VI))
9. Please revise the site map based on either an aerial photograph or a topographic map with the following information: the pollutant management area (PMA), including the wastewater treatment facility (showing each proposed phase) and any effluent storage ponds/basins, and all discharging sites; the location of each point of discharge with latitude and longitude coordinates; the location of each Point of Compliance (POC) with latitude and longitude coordinates; the location of each monitoring point with latitude and longitude coordinates; the location of each well and its use within ½ mile radius of each PMA, the land uses surrounding each PMA, the location of the nearest surface water bodies (rivers, washes, lakes, etc.); the location of the 100-year flood plain, if applicable; reuse sites; and the direction of surface water and groundwater flow. The site map should fit on an 8½ x 11 inch sheet of paper or folded to fit that space. (A.A.C. R18-9-A202(A)(11))

Engineering Review

We received the last engineering submittal and it is still under review.

Financial Assurance:

We received the financial assurance information and it is under review.

If you fail to provide the additional information within 30 days of this Request, ADEQ may proceed to a final decision on your application without further notice.

Please contact me at dgb@azdeq.gov or call me at 1-800-234-5677 extension 771-4613 or call me direct at (602) 771-4613 if you have questions regarding this Notice or the status of your application. If you have any engineering questions, please contact Mrs. Greenslade at (602) 771-4578.

Sincerely,

Donald Bell, Project Manager
Wastewater, Recharge, and Reuse Unit
Groundwater Permits Unit, WQ Division

cc Asif Majeed, Manager, APP and Reuse Unit, ADEQ
Maribeth Greenslade, Engineering Review, APP and Reuse Unit, ADEQ

WRR2009: 0071