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Marilyn H. Courier
P.O. Box 2956
Carefree, AZ 85377



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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007-2927

November 10, 2009

Re: Black Mountain Sewer Corporation
Docket No: SW-02361A-08-0609
De-commissioning the Boulders WWTP

Commissioners: Kristin K. Mayes, Chairman
Sandra D. Kennedy, Commissioner
Paul Newman, Commissioner
Gary Pierce, Commissioner
Bob Stump, Commissioner

Arizona Corporation Commission
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Dear Commissioners,

In February, 2006, the Boulders Homeowners Association ("BHOA") intervened in the Black Mountain Sewer Corporation ("BMSC") Rate Increase Application, Docket No: SW-02361A-05-0657. Our intervention was in response to BMSC's request to raise sewer rates when it was operating a sub-standard utility. There is a long and well documented history of irritating and unhealthy sewer odor in the vicinity of the Boulders Waste Water Treatment Plant ("WWTP") located in our neighborhood and owned by Algonquin Water Resources, now Liberty Water.

I was Secretary of the BHOA from July, 2006, to March, 2008. During that time, on behalf of the association, I filed with the Arizona Corporation Commission ("ACC") several complaints against BMSC, documenting continued sewer odor along Boulder Dr. and around the plant. Today, I write to you as a resident who lives approximately 150 feet from the aforementioned WWTP.....a plant that has been a public nuisance for over thirty years, and should have been condemned long ago.

Due to the Commission's Decision No: 69164, dated December 5, 2006, in which the Commissioners ordered BMSC to "fix the problems", there has

been some improvement. However, there are times when the odor does re-appear, thus opening old wounds among the residents. In 2009, there have been two major incidents, one in June and the second, this month. Both episodes lasted two weeks. Both times the odor was concentrated around the WWTP, along nearby golf cart paths and in the back and side yards of neighboring properties. Last June, Charlie Hernandez, an official at Liberty Water, told me "the sewer odor was coming from the plant"; he stated a third chemical had been added to the mix, and that should solve the problem.

The most recent episode began two weeks ago with sewer odor around the plant, and in our yards, every morning. The odor intensified in strength on Friday, November 6, and was present throughout the weekend. Charlie stopped by my home Monday morning, November 9, to inform me that "the sewer odor was coming from the plant and was still there when he arrived at the WWTP earlier that morning". He stated he will send an engineer out to appraise the situation. He was also candid about the company's desire to close down the troublesome plant.

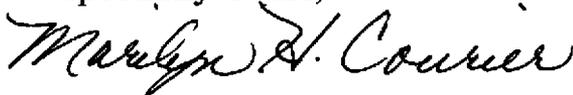
The Boulders WWTP may be deemed "in compliance" by the Maricopa County Environmental Services Department, but that judgment holds true only when the maxed-out plant isn't over-taxed by any one of various situations.

Although my family and neighbors appreciate BMSC's prompt response to our complaints with attempts to alleviate the sewer odor, the fact remains the company has not fixed the problems at the Boulders WWTP. Moreover, it is highly unlikely it will be able to solve the odor issue between the plant and its neighbors due to the age of the plant and its proximity to residences.

Therefore, I respectfully request that you allow the de-commissioning and removal of the Boulders WWTP sooner rather than later, when the cost of doing so will be far greater. We are willing to absorb a reasonable rate increase to pay for this project.

Thank you for your kind attention in this matter.

Respectfully Yours,



Marilyn H. Courier
1043 Boulder Dr.
Carefree, AZ 85377
mhcourier@cox.net