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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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DOCKET CONTROL

Arizona Corporation Commission

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MAY 6 2011

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IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES, L.L.C., FOR AN
EXTENSION OF ITS SEWER CERTIFI-
CATE OF CONVENIENCE AND
NECESSITY IN PINAL COUNTY,
ARIZONA.

DOCKET NO. WS-02987A-07-0487

**PETITION TO AMEND DECISION 70849
PURSUANT TO A.R.S. §40-252**

(Expedited Action Requested)

Pursuant to A.R.S. §40-252, Johnson Utilities LLC ("Johnson Utilities" or the "Company") petitions the Arizona Corporation Commission ("Commission") to amend Decision 70849 (the "Decision") dated March 17, 2009, by issuing an order which removes the requirement that Johnson Utilities file documentation from the Arizona Department of Environmental Quality ("ADEQ") that the notices of violation ("NOVs") issued by ADEQ on March 4, 2008, and June 5, 2008, for the Company's Pecan Water Reclamation Plant ("Pecan WRP") have been closed. Alternatively, the Company requests that the Commission issue its order that the foregoing requirement has been deemed satisfied by the Company, based upon the documented actions taken by the Company in compliance with the NOVs.

I. INTRODUCTION.

On March 17, 2009, the Commission issued Decision 70849 conditionally granting an extension of Johnson Utilities' Certificate of Convenience and Necessity ("CC&N") for sewer service to include two planned residential developments known as Skyline Estates and Quail Run Estates and the J.O. Combs Unified School District campus known as J.O. Combs Educational Village, all located in Pinal County. Johnson Utilities is presently providing sewer service to the Combs High School, which has a current enrollment of approximately 1,050 students.

Brownstein Hyatt Farber Schreck, LLP
40 North Central Avenue, 14th Floor
Phoenix, AZ 85004

1 The CC&N extension was conditioned, among other things, upon the Company's
2 compliance with and ADEQ's closure of two outstanding NOV's for sewer system overflows
3 ("SSOs") that occurred in the Pecan Creek North subdivision on December 24, 2007, and May
4 17-18, 2008. Specifically, Decision 70849 contains the following ordering paragraphs:

5 IT IS FURTHER ORDERED that Johnson Utility L.L.C., shall file by December
6 31, 2009, with Docket Control, as a compliance item in this docket,
7 documentation from the Arizona Department of Environmental Quality
8 demonstrating that Johnson Utility L.L.C.'s Pecan Water Reclamation Plant
(ADEQ Inventory #105324) is in full compliance and that the Notice of
Violations issued on March 4, 2008, and June 5, 2008, have been closed.

9 IT IS FURTHER ORDERED that if Johnson Utility L.L.C. fails to meet the
10 above timeframe, the Utilities Division Staff shall file a pleading requesting the
11 Commission to order Johnson Utility L.L.C. to appear and show cause why the
12 conditional extension of its wastewater Certificate of Convenience and Necessity
granted herein, should not be considered null and void.

13 IT IS FURTHER ORDERED that if Johnson Utility L.L.C. achieves full
14 compliance with the Arizona Department of Environmental Quality for its Pecan
15 Water Reclamation Plant (ADEQ Inventory #105324) on or before December 31,
16 2009, the extension of Johnson Utility L.L.C.'s wastewater Certificate of
17 Convenience and Necessity shall become effective on the first day of the month
18 following Johnson Utility L.L.C.'s filing with Docket Control proof of its
19 compliance and the Utilities Division Staff's confirmation of such compliance
20 with Docket Control.

21 As described in detail below, Johnson Utilities worked closely with ADEQ to
22 immediately and fully comply with each and every requirement of the two NOV's identified in
23 Decision 70849 more than two years ago, well before the December 31, 2009, compliance
24 deadline in Decision 70849. As required, Johnson Utilities documented its compliance with the
25 details of the NOV's in various written communications to ADEQ, and included explicit
26 statements in those communications that the Company had fulfilled all requirements contained
27 in the NOV's. ADEQ has never notified Johnson Utilities of any deficiency in the reported
28 responses or actions taken by the Company to comply with the NOV's, nor has ADEQ ever
rebutted any of the Company's statements that it has fulfilled all requirements contained in the
NOV's.

1 Notwithstanding Johnson Utilities' unrefuted compliance with all requirements of the
2 NOVs, ADEQ has not issued closure letters on the NOVs. Johnson Utilities believes the reason
3 for this is that ADEQ is interested in assessing an arbitrary (and to date unprecedented) civil
4 penalty for the violations alleged in the NOVs. For more than a year, the Company and ADEQ
5 have had discussions and exchanged communications regarding the appropriateness of a civil
6 penalty and the amount, but no agreement has been reached. The discussions have also included
7 a detailed review of penalties ADEQ has assessed in the past to other companies. Of important
8 note, these discussions have been strictly over whether *any* penalty is appropriate and the
9 amount of a penalty. At no point has ADEQ stated or even suggested that the Company has not
10 fully complied with the requirements of the above-referenced NOVs. Because Johnson Utilities
11 has fully complied with all requirements of the NOVs, and because there is virtually nothing the
12 Company can do to force ADEQ to make a decision regarding a civil penalty, Johnson Utilities
13 requests that the Commission amend Decision 70849 and remove the requirement that the
14 Company file documentation from ADEQ that the NOVs have been closed. Alternatively,
15 Johnson Utilities requests that the Commission issue its order that the requirement has been
16 deemed satisfied, based upon the actions taken by the Company in compliance with the NOVs.

17 The actions taken by Johnson Utilities to comply with the requirements of the NOVs are
18 discussed in the following sections.

19 **II. COMPLIANCE WITH NOV 92021 ISSUED MARCH 4, 2008.**

20 On December 24, 2007, a resident of the Pecan Creek North subdivision notified ADEQ
21 of a sanitary sewer overflow occurring at a manhole on the Johnson Utilities sewer collection
22 system within the Pecan Creek North subdivision. The SSO was caused by debris flushed into
23 the wastewater system from within the subdivision which clogged and caused the malfunction of
24 a pump in a lift station at the nearby Pecan WRP. The SSO flowed from the manhole into an
25 adjacent concrete spillway which is adjacent to Queen Creek Wash. On January 3, 2008,
26 ADEQ's Water Quality Field Services Unit ("WQFSU") conducted an inspection at the reported
27 site of the SSO, and on February 11, 2008, issued an inspection report. In its report, ADEQ
28 estimated the SSO at approximately 4,500-5,000 gallons, based upon information provided by a

1 neighbor living near the SSO, and stated that it appeared that an unspecified quantity of the SSO
2 reached Queen Creek Wash. The Company notes that there has been no evidence provided that
3 the resident had qualifications or experience to estimate SSO flows.

4 On March 4, 2008, more than two months after the reported SSO, ADEQ issued
5 NOV 92021 alleging that Johnson Utilities: (i) violated Section 2.6.5.3 of its APP by
6 failing to notify ADEQ's WQFSU within 24 hours after the discharge of a non-hazardous
7 material which could pose an endangerment to the public health or environment; and
8 (ii) violated A.R.S. § 49-255.01(A) by adding a pollutant to Queen Creek Wash from a
9 point source without a permit. It should be noted that the Company's delay in notifying
10 ADEQ was simply an oversight and there were no personnel at ADEQ on those days to
11 review or respond to a notification in any event.

12 The NOV was received by Johnson Utilities on March 10, 2008, and it directed
13 the Company to document compliance with the following three requirements:

- 14 • Within 5 calendar days of receipt of the NOV, submit documentation
15 that the violations never occurred, or a letter to ADEQ documenting that
16 the paper debris located in the spillway and wash has been removed.
- 17 • Within 30 calendar days of receipt of the NOV, submit documentation
18 that the violations never occurred, or a letter to ADEQ explaining the
19 reasons for Johnson Utilities' failure to provide 24 hour notification of
20 the SSO to ADEQ and measures undertaken to prevent a reoccurrence
21 of the notification failure.
- 22 • Within 60 calendar days of receipt of the NOV, submit documentation
23 that the violations never occurred, or a letter to ADEQ regarding a plan
24 of action to prevent a reoccurrence of the SSO from the liftstation.

25 Johnson Utilities timely and fully complied with each of these three "documenting
26 compliance" requirements, as explained in the following paragraphs.

27 **A. NOV Requirement 1—Removal of Paper Debris.**

28 Johnson Utilities performed the initial disinfection and clean-up of the SSO on
December 24, 2007 immediately following discovery of the SSO. A subsequent clean-
up was completed by the Company on January 3, 2008 to remove miscellaneous paper

1 debris, following ADEQ's inspection of the area that same day. Photos taken on March
2 8, 2011 evidencing clean-up of the affected area were provided by the Company to
3 ADEQ via e-mail on March 14, 2008, four days after Johnson Utilities received the NOV
4 (which was within the five-day period for compliance). A copy of the March 14, 2008 e-
5 mail to ADEQ documenting the Company's timely and full compliance with the first
6 requirement of the NOV is attached as Attachment 1.

7 **B. NOV Requirement 2—Lack of Timely Notification.**

8 In a compliance report to ADEQ dated April 1, 2008, Johnson Utilities
9 acknowledged that the Company did not notify ADEQ of the SSO within 24 hours as
10 required by statute, and explained that the failure to timely notify was simply the result
11 of an oversight, including the fact that it was the Christmas holiday and no members of
12 the ADEQ staff were present to receive a notification. The Company's operations
13 manager, who is responsible for notifications and correspondence to ADEQ, was
14 unavailable at the time of the spill and initial clean-up, which occurred on Christmas
15 Eve. In its April 1, 2008 compliance report (which was submitted within the 30-day
16 period for compliance), a copy of which is attached as Attachment 2, Johnson Utilities
17 provided the following description of measures undertaken to address the failure to
18 timely notify:

19 Johnson Utilities has renewed the training of our operators and maintenance
20 crews and have re-emphasized the need to notify ADEQ within 24 hours of
21 any potential sewer spills. The field supervisor has now been assigned the
22 task of correspondence with ADEQ if the operations manger is unavailable.
23 We do not anticipate any future spills but should one occur ADEQ will be
24 notified within 24 hours.

25 With its April 1, 2008, submittal to ADEQ, Johnson Utilities timely and fully
26 complied with the second requirement of the NOV. It should also be noted that ADEQ
27 was in fact closed on December 24 and 25 for the Christmas holiday, and there were no
28 ADEQ employees available to even review a notification on December 24 and 25.

1 **C. NOV Requirement 3—Plan of Action to Prevent Future SSOs.**

2 A supervisory control and data acquisition ("SCADA") system provides
3 automated notification to the operator of a wastewater system if a component of the
4 system malfunctions. In its February 11, 2008 inspection report, ADEQ observed that
5 while Johnson Utilities responded in "quick time" to the spill, "[t]he lack of SCADA
6 notification regarding the liftstation failure appeared to aggravate the size of the spill."
7 However, none of ADEQ's observations with respect to the SCADA system have been
8 substantiated with respect to "aggravation" of the size of the spill.

9 ADEQ recommended that the Company install a SCADA system at the liftstation
10 for high water alarms and pump failure. However, Johnson Utilities already had a
11 SCADA system at the liftstation, but that system used a wireless connection which was
12 adversely impacted by overhead power lines immediately adjacent to the facility. The
13 Company's plan of action to prevent a reoccurrence of an SSO from the liftstation was to
14 obtain a hard-wired connection for the SCADA system, and Johnson Utilities had
15 already been working with Qwest to provide such a connection. In its April 1, 2008
16 compliance report (Attachment 2) (which was submitted within the 60-day period for
17 compliance), Johnson Utilities advised ADEQ that it would continue to work to provide
18 a stable hard-wired SCADA connection. The report concluded with the Company's
19 statement that it had satisfied the documentation requirements of the NOV, and requested
20 that ADEQ contact the Company with any questions or comments.

21 ADEQ is required by A.R.S. § 41-1009(H) to provide a monthly update on the
22 status of any ADEQ action resulting from an inspection of a site. In its April 23, 2008
23 monthly update on NOV 92021, a copy of which is attached hereto as Attachment 3,
24 ADEQ acknowledged that Johnson Utilities had achieved compliance with the first two
25 requirements of the NOV. However, with regard to the third requirement of the NOV,
26 ADEQ stated that compliance with the requirement was unachieved because the
27 Company had not provided the specifics of a plan to provide a stable SCADA
28 connection. ADEQ asked Johnson Utilities to submit the requested documentation by

1 May 9, 2008. In compliance, Johnson Utilities provided its plan to address the SCADA
2 installation in e-mails from the Company to Bill Hare of ADEQ dated April 29, 2008,
3 and May 9, 2008, copies of which are attached as Attachment 4. In his response to
4 Johnson Utilities on May 9, 2008, Mr. Hare acknowledged the adequacy of the plan, and
5 stated that "[y]ou can send this an [sic] official letter and we can process the NOV
6 closure through management." The NOV has still not been closed by ADEQ despite the
7 fact that all of the requirements have been unquestionably been satisfied.

8 In a compliance report dated July 11, 2008, Johnson Utilities notified ADEQ that
9 it had completed the wireline connection to the Pecan WRP for the SCADA system. A
10 copy of the compliance report is attached as Attachment 5, and it states in relevant part
11 as follows:

12 With respect to item 3 of the NOV, I believe you were aware of the
13 continuing problems associated with securing a wireless SCADA
14 connection at this facility. The wireless connection had been interrupted by
15 the overhead power lines immediately adjacent to the facility. In June
16 2008, [Johnson Utilities] removed the wireless system and installed a
17 SCADA system that would require a physical phone line connection from
18 Qwest. Attached to this correspondence are a few pictures of the active
19 SCADA system by RACO that is in the office area of the Pecan WRP. The
20 physical connection and construction of the phone line had to be performed
21 by and through Qwest which took a considerable amount of time. Qwest
22 had to pull wire from a remote location to the Pecan WRP but completed
23 the construction and the phone line went live on July 1, 2008.

24 We believe this satisfied the final documentation requirement of the NOV
25 outlined in your letter dated April 23, 2008. If you have any questions or
26 comments, please contact me at (480) 998-3300.

27 ADEQ has not provided any monthly updates or written correspondence to
28 Johnson Utilities regarding the requirements of NOV 92021 since the Company's April
23, 2008 monthly update, nor has ADEQ disputed the Company's assertion in its July 11,
2008 compliance report that the final documentation requirement of the NOV was
satisfied. Notwithstanding Mr. Hare's statement in his May 9, 2008 e-mail (Attachment
4) that ADEQ could process the closure of NOV 92021, it is now almost three years

1 since Johnson Utilities fulfilled the third and final requirement of the NOV and the NOV
2 has not been closed. There can be no dispute that Johnson Utilities has fully complied
3 with all three "documenting compliance" requirements of NOV 92021, and there is
4 nothing more the Company can do to achieve closure of the NOV.

5 It should also be noted that the most recent inspection of the Pecan WRP occurred
6 less than three months ago on February 16, 2011. A copy of the inspection report and
7 the March 9, 2011 transmittal letter from ADEQ are attached as Attachment 6. ADEQ
8 found the Pecan WRP to be in full compliance, reporting that no significant new
9 deficiencies were noted during the inspection, and stating that no further action is
10 planned as a result of the inspection.

11 **III. COMPLIANCE WITH NOV 97512 ISSUED JUNE 5, 2008.**

12 During the weekend of May 17-18, 2008, it is ADEQ's contention that there were
13 two separate SSOs at a manhole in the Pecan Creek North subdivision—the same
14 location as the December 24, 2007 SSO. The SSO was again caused by debris from the
15 subdivision clogging a pump in the liftstation at the nearby Pecan WRP. As a result,
16 wastewater flowed out of a manhole up-gradient from the lift station and then into the
17 adjacent concrete spillway and weir which are connected to Queen Creek Wash.

18 On May 20, 2008, ADEQ's WQFSU conducted an inspection at the site of the
19 SSO, and on June 5, 2008, issued an inspection report. Based upon information again
20 provided by a local resident who witnessed the spills, ADEQ estimated the first SSO at
21 6,000 gallons and the second at 4,000. Based upon information provided by an
22 experienced employee of Johnson Utilities, the Company estimated each SSO at
23 approximately 2,500 gallons. This estimate was confirmed by documents quantifying
24 the amount of wastewater recovered from the SSO location.

25 On June 5, 2008, ADEQ issued NOV 97512 alleging that Johnson Utilities:
26 (i) violated A.R.S. § 49-255.01(A) by adding a pollutant to Queen Creek Wash from a
27 point source without a permit; (ii) violated A.R.S. § 49-241(A) by discharging without
28 an APP; (iii) violated A.A.C. R18-11-109(A) by exceeding the numeric surface water

1 quality standard for E. coli; (iv) violated Section 2.6.5.3 of the Company's APP by
2 failing to notify ADEQ's WQFSU within 24 hours after the discharge of a non-hazardous
3 material which has the potential to cause an AQL exceedance or could pose an
4 endangerment to the public health or environment; (v) violated Section 2.2.1 of the
5 Company's APP by failing to comply with an engineering design report approved by
6 ADEQ and incorporated in the APP; and (vi) violated Part II, Section C of its Arizona
7 Pollutant Discharge Elimination System ("AZPDES") Permit by failing to orally report
8 to ADEQ within 24 hours noncompliance that may endanger the environment or human
9 health. The NOV was received by Johnson Utilities via e-mail on June 6, 2008, and it
10 directed the Company to document compliance with the following four requirements:

- 11 • Within 7 calendar days of receipt of the NOV, submit documentation
12 that the violations never occurred, or commence twice weekly sampling
13 of the standing water in Queen Creek Wash at the discharge site for E.
14 Coli and continue twice weekly sampling until at least two consecutive
15 samples taken at least 24 hours apart are below the Surface Water
16 Quality Standard for Partial Body Contact for E. coli. The results of
17 each sampling event must be forwarded to ADEQ within 24 hours of
18 receipt from an Arizona state certified laboratory. During the period of
19 twice weekly sampling, the Company must maintain or replace the signs
20 posted pursuant to ADEQ's letter to Johnson Utilities dated May 22,
21 2008 so they are visible to the public at access points to the standing
22 water in Queen Creek Wash.
- 23 • Within 14 calendar days of receipt of the NOV, submit documentation
24 that the violations never occurred, or a list of all SSOs that occurred
25 since January 1, 2007 related to the Pecan WRP or sewer collection
26 systems that flow into the Pecan WRP. For each SSO, provide detail
27 regarding the volume of the discharge, the method of calculating the
28 volume, the location of the discharge, the actions taken by Johnson
Utilities to address the discharge and the cause of the discharge.
- Within 14 calendar days of receipt of the NOV, submit documentation
that the violations never occurred, or a report for each SSO that
occurred on May 17 and 18, 2008. Each report should include the
following information: date, time (beginning and end) and location of
the SSO; how and when Johnson Utilities became aware of the SSO;
estimated quantity discharged; method of estimating the quantity;
volume and method of recovery; method, location and quantity of

1 disinfection products used; any exposure to discharged materials; and
2 cause of the SSO.

- 3 ● Within 30 calendar days of receipt of the NOV, submit documentation
4 that the violations never occurred, or written verification with photos
5 that the liftstation has been upgraded with two pumps of at least 75
6 horsepower as described in APP P-105324 and as-built drawings
7 submitted as part of the permit.

8 On July 14, 2008, ADEQ issued a compliance order ("Compliance Order") in
9 Docket P-57-08 arising out of the May 17-18 SSO. A copy of the Compliance Order is
10 attached as Attachment 7. Johnson Utilities was directed to begin, within three days of
11 receipt of the Compliance Order, pumping all standing stormwater water in Queen Creek
12 Wash adjacent to the SSOs to a permitted wastewater treatment plant. It should be noted
13 that none of the standing stormwater was generated by the facilities of Johnson Utilities
14 but was, in fact, from the adjacent subdivisions and upstream Arizona State Land
15 parcels.

16 On July 17, 2008, Johnson Utilities submitted a notice to ADEQ that it was
17 appealing the Compliance Order on the grounds that, among other things, pumping
18 millions of gallons of stormwater into the Pecan WRP would disrupt operation of the
19 plant, which could cause serious health and safety risks in the subdivisions served by the
20 plant.¹ A copy of the notice of appeal is attached as Attachment 8. ADEQ listened to
21 the Company's concerns regarding the Compliance Order, and rather than proceeding
22 with the appeal, Johnson Utilities worked voluntarily with ADEQ and developed a
23 mutually acceptable plan to treat the stormwater in place and sample for E. coli. The
24 treatment plan and sampling plan were memorialized in a consent order ("Consent
25 Order") issued September 13, 2008, a copy of which is attached hereto as Attachment 9.

26 Pursuant to the Consent Order, Johnson Utilities voluntarily agreed to implement
27 a sampling and water treatment plan for the standing stormwater in Queen Creek Wash.²

28 ¹ The appeal of the Compliance Order was to be heard by the Office of Administrative Hearings as Case No. 08A-P057-DEQ.

² Johnson Utilities agreed to treat the standing stormwater in Queen Creek Wash as a one-time public service. However, it must be noted that the accumulation of stormwater in the wash has been on-going

1 The Company agreed to implement the water treatment plan within 72 hours of the
2 issuance of the Consent Order (despite the fact that the standing stormwater had not been
3 generated by Johnson Utilities or the SSO), and to continue sampling of the water in
4 Queen Creek Wash until the water quality standard for E. coli was met. The Company
5 also voluntarily agreed to provide ADEQ with 24 hours' advance notice of any sampling
6 to allow ADEQ to take split samples upon request, which ADEQ did on more than one
7 occasion. Finally, the Company voluntarily agreed to submit detailed status reports to
8 ADEQ every 15 days beginning 15 days after issuance of the Consent Order. The cost to
9 Johnson Utilities of implementing the water treatment plan and sampling plan exceeded
10 \$25,000.

11 Johnson Utilities fully and timely performed all of its obligations under the
12 Consent Order, and on November 17, 2008, ADEQ issued a Termination of Consent
13 Order, a copy of which is attached as Attachment 10. Further, Johnson Utilities timely
14 and fully complied with each of the "documenting compliance" requirements of NOV
15 97512, as explained in the following paragraphs.

16 **A. NOV Requirement 1—Twice Weekly Sampling and Posted Signage.**

17 The first requirement of NOV 97512 directed that, within seven days of the NOV,
18 Johnson Utilities commence twice-weekly sampling of the standing stormwater in Queen
19 Creek Wash for E. coli. Johnson Utilities timely submitted its initial response to the
20 NOV on June 13, 2008, seven days after receiving the NOV. A copy of the response is
21 attached as Attachment 11. Johnson Utilities reported to ADEQ that it had commenced
22 sampling as required, and the Company provided final test results for samples taken May
23 27 and 30, 2008, and June 4, 2008, and preliminary test results for samples taken June 5,

24 for many years, and the Company was in no way responsible for that accumulation. The SSOs
25 contributed only a few thousand gallons (if any at all) to the millions of gallons of stormwater already in
26 the wash. Moreover, in its notice of appeal, Johnson Utilities presented lab results demonstrating that the
27 presence of E. coli and fecal coliforms in standing stormwater is common and widespread in Maricopa
28 and Pinal Counties. On July 14 and 15, 2008, the Company took samples from standing water bodies at
six locations in Pinal and Maricopa Counties and had those samples tested for E. coli and fecal coliforms
at a state-certified testing laboratory. The results showed levels of E. coli and/or fecal coliforms at each
of the six locations that exceeded the applicable limits for partial body contact. These lab results were
presented to ADEQ so ADEQ is aware of this reality.

1 10 and 11, 2008. Johnson Utilities provided a supplemental response to ADEQ on June
2 19, 2008, a copy of which is attached as Attachment 12. In its supplemental response,
3 the Company provided preliminary test results for samples taken June 11, 13, 16 and 17,
4 2008. The Company reported that the test results showed four days below the surface
5 water quality standard for partial body contact for E. coli of 576 cfu/100 ml.

6 In a letter to ADEQ dated August 5, 2008, a copy of which is attached hereto as
7 Attachment 13, Johnson Utilities notified ADEQ that it had satisfied the sampling
8 requirement of the NOV which directed sampling until at least two consecutive samples
9 taken at least 24 hours apart were below the surface water quality standard for partial
10 body contact for E. coli. The Company stated:

11 JU has continued to take random samples of the standing storm water. JU
12 took four (4) samples from four (4) different locations on three separate
13 days within the Queen Creek Wash. Attached to this letter are the analyses
14 of those samples by Legend Technical Services, Inc. for samples taken on
15 7/23/2008, 7/25/2008 and 7/30/2008. As you can see, the levels of E. coli
16 for all twelve samples over the three days are below 576 cfu/100 ml, the
17 applicable standard.

18 Even though Johnson Utilities had satisfied the condition under the NOV, it
19 continued sampling while it was negotiating the Consent Order with ADEQ, and then
20 continued sampling until receiving the Termination of Consent Order dated November
21 17, 2008.

22 Johnson Utilities submitted a status report to ADEQ dated September 30, 2008,
23 certifying that it had met the compliance schedule in the Consent Order regarding
24 treatment and sampling of the standing stormwater in Queen Creek Wash. A copy of the
25 status report is attached as Attachment 14, and it included the following certification by
26 Johnson Utilities:

27 JUC met the Section III requirement to commence implementation of the
28 treatment plan within 72 hours of the issuance of the Consent Order. JUC
continued sampling until the surface water quality standard for E. coli was
met. JUC notified ADEQ at least 24 hours prior to the start of the sampling
events series pursuant to the treatment plan which allowed ADEQ the
opportunity to take split samples.

1 We certify that all the requirements of Section III of the Consent Order, P-
2 57-08, have been achieved. (emphasis in original)

3 In a letter to ADEQ dated October 3, 2008, a copy of which is attached hereto as
4 Attachment 15, Johnson Utilities notified ADEQ that the Company had satisfied the
5 terms of the Consent Order, and that no further treatment or testing was required. The
6 letter stated, in relevant part, that:

7 On September 29, 2008, Johnson Utilities, L.L.C. completed another
8 sampling event of the standing stormwater in the Queen Creek wash. The
9 results are presented in Table 2 which was part of our September 30, 2008
10 Status Report that was sent to you. As shown, the latest results meet the
11 surface water quality standards. It is our understanding that no further
12 treatment or testing is required as Johnson Utilities successfully completed
13 all requirements of the Consent Order.

14 As stated above, ADEQ issued its Termination of Consent Order confirming the
15 Company's compliance with the treatment and sampling obligations of the Consent Order
16 on November 17, 2008. The Termination of Consent Order, together with the test results
17 provided to ADEQ in the Company's submittals on June 19, 2008, August 5, 2008,
18 September 30, 2008, and October 3, 2008, clearly demonstrate that Johnson Utilities
19 fully and timely completed the first requirement of NOV 97512 regarding sampling of
20 standing stormwater in Queen Creek Wash more than two years ago.

21 The first requirement of the NOV also directed that while water sampling was
22 ongoing, Johnson Utilities was to maintain or replace signs with a warning to avoid
23 contact with the standing water in Queen Creek Wash due to the presence of coliform
24 bacteria, in accordance with ADEQ's letter to Johnson Utilities dated May 22, 2008. As
25 set forth in the Company's letter to ADEQ dated August 5, 2008 (Attachment 13),
26 Johnson Utilities posted the *required signs* before dusk on the same day it received
27 ADEQ's letter. Johnson Utilities maintained the signs throughout the sampling period.
28 Thus, this portion of the first requirement of the NOV was fully and timely satisfied by
 the Company.

1 **B. NOV Requirement 2—List of SSOs after January 1, 2007.**

2 The second requirement of the NOV directed Johnson Utilities to submit, within
3 14 days of receipt of the NOV, a list and detail regarding any SSOs that occurred after
4 January 1, 2007 related to the Pecan WRP or sewer collection systems that flow into the
5 Pecan WRP. The Company had only one SSO that was responsive to the requirement,
6 and that was the SSO on December 24, 2007 which resulted in NOV 92021 issued
7 March 3, 2007. Johnson Utilities timely provided the required information in its letter
8 dated June 13, 2008 (Attachment 11) and its letter dated June 19, 2008 (Attachment 12),
9 both of which were submitted to ADEQ within 14 days of the date that the Company
10 received the NOV on June 6, 2008. Thus, the second requirement of the NOV was fully
11 and timely satisfied by the Company.

12 **C. NOV Requirement 3—Report on SSOs on May 17-18, 2008.**

13 The third requirement of the NOV directed Johnson Utilities to submit, within 14
14 days of receipt of the NOV, a detailed report for each SSO that occurred on May 17 and
15 18, 2008. Johnson Utilities actually provided this report to ADEQ in an e-mail dated
16 May 27, 2008, prior to the issuance of the NOV. A copy of the notification e-mail is
17 attached hereto as Attachment 16. In addition, Johnson Utilities identified the May 27 e-
18 mail in its letter to ADEQ dated June 13, 2008 (Attachment 11) and provided
19 supplemental information its letter dated June 19, 2008 (Attachment 12), both of which
20 were submitted to ADEQ within 14 days of the date that the Company received the NOV
21 on June 6, 2008. Thus, the third requirement of the NOV was fully and timely satisfied
22 by the Company.

23 **D. NOV Requirement 4—Upgrade Liftstation with Two 75 HP Pumps.**

24 The fourth and final requirement of the NOV directed that Johnson Utilities
25 submit, within 30 days of receipt of the NOV, written verification with photos that the
26 liftstation was upgraded with two pumps of at least 75 horsepower as described in APP
27 P-105324 and as-built drawings submitted as part of the permit. In a letter dated June
28 12, 2008, Johnson Utilities' engineering firm submitted a request to ADEQ for a waiver

1 of the requirement that the Company submit a Notice of Intent for a Construction
2 Authorization so that the pump replacement could proceed on an emergency basis. The
3 waiver request is attached as Attachment 17.

4 On June 13, 2008, Johnson Utilities completed installation of two Flygt CP 3300
5 pumps each rated at 100 horsepower, well within the 30 day time period specified in the
6 NOV. Written verification of the installation went to ADEQ, together with photos of the
7 new pumps, in the letter dated June 13, 2008 (Attachment 11). The letter stated:

8 Attached is a copy of a letter that was sent to Mr. David A. Burchard of
9 ADEQ regarding the installation of two (2) FLYGT 100 HP pumps in the
10 influent lift station at the Pecan Water Reclamation Plant (WRP). The
11 installation of the pumps and the associated piping has been completed.
12 Attached are a few photographs of the pumps that have been installed and
13 are operational. (See Attachment 4).

14 In a letter dated July 24, 2008, ADEQ sought additional information regarding the
15 pump replacements. In response, Johnson Utilities sent a letter to ADEQ dated August
16 21, 2008, regarding installation of the 100 HP pumps. A copy of this letter is attached as
17 Attachment 18. In its letter, Johnson Utilities challenged ADEQ's requirement that the
18 Company install 75 HP or larger pumps, and explained the reasons why it had earlier
19 selected the lower horsepower pumps for the liftstation:

20 The correct method to select a pump is to determine the required flow and
21 the total dynamic head developed at that flow. A selection based on
22 horsepower will result in poor performance. Based on the correct method
23 of selecting the best pump for the conditions, a Flygt NP 3171.180, 1,500
24 gpm, 62 TDH, 30 HP, pump could be recommended for the current
25 conditions, see attached Flygt performance curve. These pumps have less
26 horsepower than the pumps that were being used at the time of the
27 wastewater spill.

28 To comply with the NOV, Johnson Utilities installed Flygt CP 3300 pumps
(see attached Flygt performance curve) that are rated at 1,800 gpm, 62
TDH, 100 HP. These pumps are consistent with the Design Report for
Phase 2 build-out. With the submittal of this letter, no further action by
Johnson Utilities is required with respect to the Pecan WRP lift station.

1 On August 12, 2009, Johnson Utilities sent a follow-up letter to its August 21,
2 2008 letter. In the August 12, 2009 letter, a copy of which is attached as Attachment 19,
3 Johnson Utilities responded to ADEQ's request that the Company provide additional
4 detail regarding its earlier decision to install the 30 HP pumps at the liftstation. The
5 letters provided by Johnson Utilities demonstrate that the Company had applied sound
6 engineering principles in originally selecting the 30 HP pumps. ADEQ has not refuted
7 the Company's analysis in either the August 21, 2008 letter or the August 12, 2009 letter.
8 Nevertheless, Johnson Utilities complied with the fourth requirement of the NOV and
9 installed Flygt pumps with the higher horsepower rating.

10 Johnson Utilities has fully complied with all requirements of NOV 97512, and
11 there is virtually nothing the Company can do to force ADEQ to formally close the
12 NOV. Johnson Utilities notes again, as discussed above, that in ADEQ's February 16,
13 2011 inspection of the Pecan WRP (Attachment 6), ADEQ found the facility to be in full
14 compliance, reporting that no significant new deficiencies were noted during the
15 inspection, and stating that no further action is planned as a result of the inspection.

16 On a final note regarding NOV 97512, Johnson Utilities strongly disagrees with
17 ADEQ's allegation that the Company violated Section 2.6.5.3 of its APP by failing to
18 notify ADEQ within 24 hours of the SSO on the weekend of May 17-18, 2008. In a
19 letter to ADEQ dated September 5, 2008, Johnson Utilities explained that its plant
20 operators worked on the repair of the pumps over the entire weekend, and that the
21 Company had viewed the SSO as a singular event and not two separate events. Johnson
22 Utilities notified ADEQ at noon on Monday, May 19, 2008, which was within 24 hours
23 of the SSO.

24 **IV. EXPEDITED ACTION REQUESTED.**

25 The Commission's Staff has asked Johnson Utilities to address the status of its
26 compliance with the conditions of Decision 70849 pertaining to the March 4, 2008 and
27
28

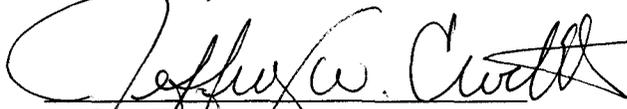
1 June 5, 2008 NOVs. Thus, Johnson Utilities requests that the Commission consider this
2 request to amend Decision 70849 on an expedited basis.

3 **V. CONCLUSION.**

4 For the reasons set forth herein, Johnson Utilities requests that the Commission
5 grant its request to amend Decision 70849 and remove the requirement that the Company
6 file documentation from ADEQ that the NOVs issued on March 4, 2008 and June 5,
7 2008 for the Pecan WRP have been closed. Alternatively, the Company requests that the
8 Commission issue its order that the requirements of Decision 70848 regarding the NOVs
9 are deemed satisfied, based upon the actions taken by the Company in compliance with
10 the NOVs.

11 RESPECTFULLY submitted this 6th day of May, 2011.

12 BROWNSTEIN HYATT FARBER
13 SCHRECK, LLP

14 

15 Jeffrey W. Crockett, Esq.
16 40 N. Central Ave., Fourteenth Floor
17 Phoenix, Arizona 85004
18 Attorneys for Johnson Utilities LLC

18 ORIGINAL and thirteen (13) copies of the
19 foregoing filed this 6th day of May, 2011, with:

20 Docket Control
21 ARIZONA CORPORATION COMMISSION
22 1200 West Washington Street
23 Phoenix, Arizona 85007

24 Copy of the foregoing hand-delivered
25 this 6th day of May, 2011, to:

26 Lyn Farmer, Chief Administrative Law Judge
27 Hearing Division
28 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

1 Janice Alward, Chief Counsel
2 Legal Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 Steve Olea, Director
7 Utilities Division
8 ARIZONA CORPORATION COMMISSION
9 1200 West Washington Street
10 Phoenix, Arizona 85007

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Attachment 1

Brian

From: Brian [btompsetti@qwest.net]
Sent: Friday, March 14, 2008 6:25 PM
To: Bill Hare (hare.william@azdeq.gov)
Cc: Gary Larsen
Subject: Johnson Utilities - Pecan WWTP

Attachments: Queen Creek Wash 051.jpg; Queen Creek Wash 039.jpg; Queen Creek Wash 040.jpg; Queen Creek Wash 041.jpg; Queen Creek Wash 042.jpg; Queen Creek Wash 043.jpg; Queen Creek Wash 044.jpg; Queen Creek Wash 045.jpg; Queen Creek Wash 046.jpg; Queen Creek Wash 047.jpg; Queen Creek Wash 048.jpg; Queen Creek Wash 049.jpg; Queen Creek Wash 050.jpg

Bill-

I received a NOV, case ID #92021 dated March 4, 2008 recently. I received the notice Monday March 10, 2008 via certified mail. The notice required that we provide evidence "to ADEQ documenting that the paper debris located in the spillway and wash has been removed". Attached you will find pictures taken by my staff on March 8, 2008 of the area affected. I will follow-up with you next week on the remaining NOV items. I believe this satisfies item II (1) of the DOCUMENTING COMPLIANCE ITEMS.

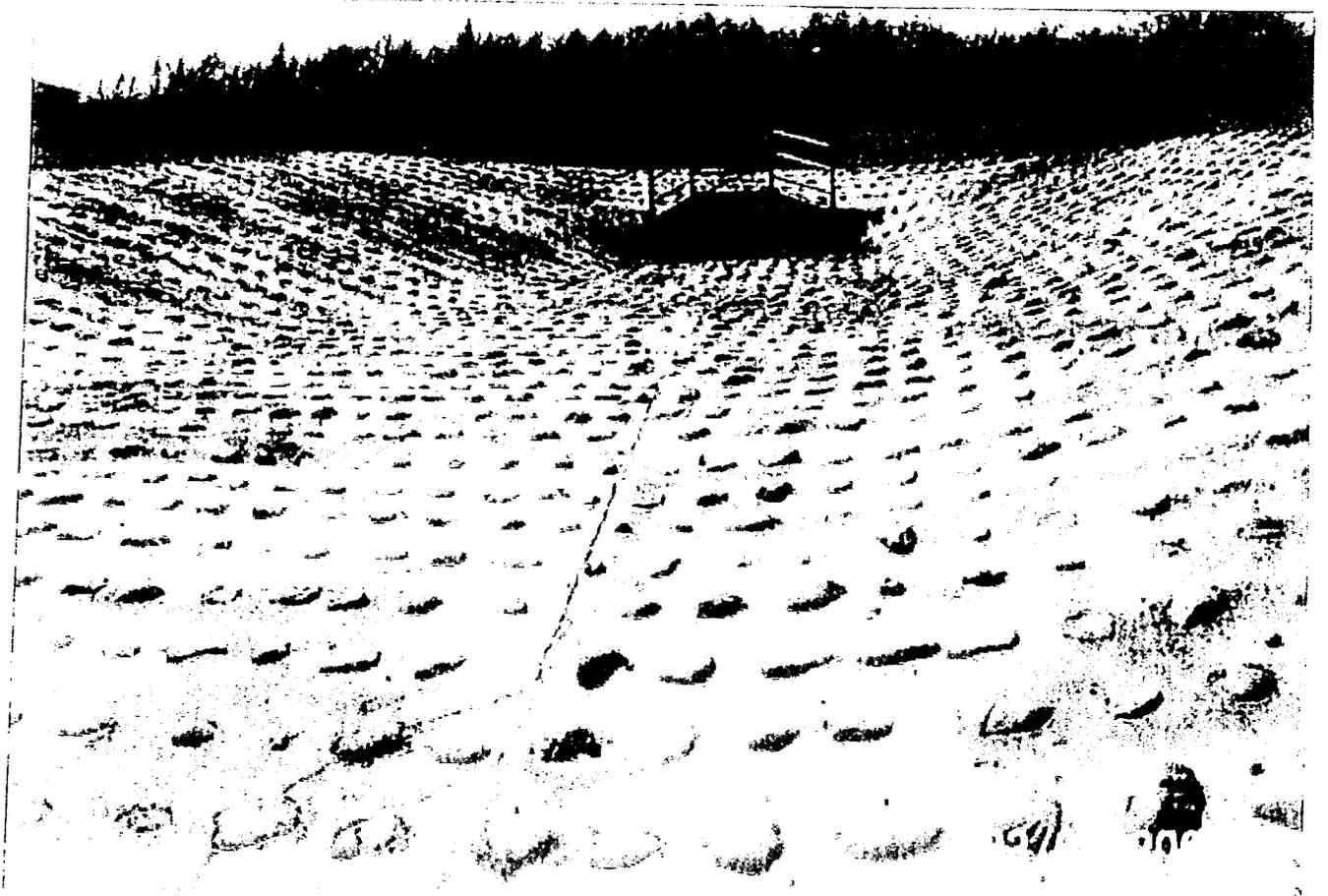
Brian P. Tompsett, P.E.
(480) 998-3300

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DELETE IT.



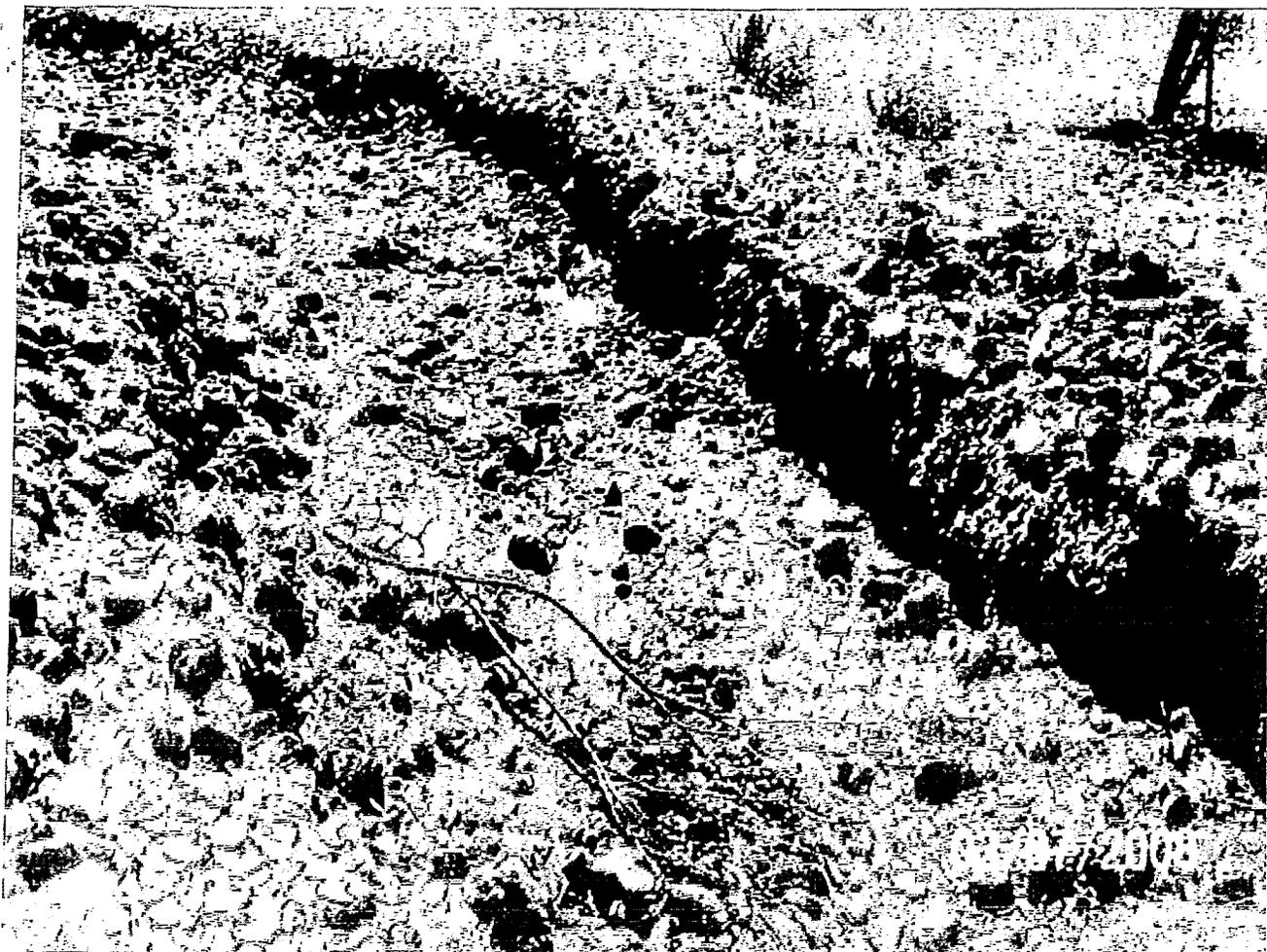












Attachment 2

JOHNSON UTILITIES, L.L.C

5230 East Shea Boulevard * Scottsdale, Arizona 85254

PH: (480) 998-3300; FAX: (480) 483-7908

Mr. William J. (Bill) Hare
Field Services Unit
Water Quality Field Service Compliance Unit, MC 5415B-1
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

April 1, 2008

RE: Pecan Wastewater Reclamation Plant, Place ID 18583
Notice of Violation, Case ID #: 92021

Dear Mr. Hare:

On March 4, 2008 you sent us letter informing that ADEQ had issued a Notice of Violation (NOV), to Johnson Utilities, L.L.C. (JU) for a purported sanitary sewer overflow (SSO) from a manhole located upgradient from the Pecan WRP. The NOV was received by our office on March 10, 2008.

The initial spill was cleaned-up on December 24, 2007. Although the area was cleaned and disinfected immediately, the notification of ADEQ was not performed. It was simply an oversight on the part of our personnel. The operations manager, who is responsible for ADEQ notifications and correspondence with respect to these types of incidents, was unavailable at the time of the clean-up. A subsequent clean-up effort was performed on January 3, 2008 after ADEQ's inspection of the site. Pictures of the impacted area were taken on March 7, 2008. Copies of the attached photographs were emailed to ADEQ on March 14, 2008.

Johnson Utilities has renewed the training of our operators and maintenance crews and have re-emphasized the need to notify ADEQ within 24 hours of any potential sewer spills. The field supervisor has now been assigned the task of correspondence with ADEQ if the operations manager is unavailable. We do not anticipate any future spills but should one occur ADEQ will be notified within 24 hours.

I believe you are aware of the problems associated with securing a SCADA connection at this facility. JU will continue to work to provide a stable SCADA connection.

We believe this satisfies the documentation requirements of the NOV. If you have any questions or comments, please contact me at (480) 998-3300.

Sincerely,



Brian P. Tompsett
Executive Vice President
Johnson Utilities, L.L.C.

Cc: John T. Gibbons, Manager
Water Quality Field Service Compliance Unit

Attachment 3



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Stephen A. Owens
Director

8 2008

April 23, 2008

Case ID #:92021

Brian Tompsett, Vice President
Johnson Utilities Inc.
5230 E. Shea Blvd., Suite 200
Scottsdale, AZ 85254

Subject: Notice of Violation issued on March 4, 2008

Dear Mr. Tompsett:

This letter constitutes a monthly update on the status of Arizona Department of Environmental Quality (ADEQ) action resulting from ADEQ's inspection of the above-referenced site on January 3, 2008., as required by A.R.S. § 41-1009(H).

ADEQ has reviewed the Johnson Utilities April 1, 2008, response to the Notice of Violation (NOV) issued on March 4, 2008, received on March 10, 2008, and made the following determinations with regard to its *Documenting Compliance* provisions:

- (1) Within 5 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or a letter to ADEQ documenting that the paper debris located in spillway and wash has been removed. The photos provided with your letter dated April 1, 2008, document the spillway's clean up and ADEQ acknowledges compliance has been achieved.
- (2) Within 30 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or a letter to ADEQ explaining reason(s) for Johnson Utilities failure to provide 24 hour notification of the sewage spill to ADEQ and measures undertaken to prevent a recurrence of this notification failure. The explanation and preventive measures outlined in your April 1 letter satisfy these requirements and ADEQ acknowledges compliance has been achieved.
- (3) Within 60 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or a letter to ADEQ that regarding a plan of action to prevent a recurrence of the SSO from the lift station. The April 1 letter states that "JU will continue to work to provide a stable SCADA connection," but does not offer the specifics of a plan. ADEQ considers this compliance condition unachieved. To achieve compliance with the NOV, please submit the requested documentation by May 9, 2008.

ADEQ will continue to keep you informed of the status of this case through monthly action update letters.

Northern Regional Office
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

Case 92021; Compliance Status Update
April 22, 2008
Page 2 of 2

APR 22 2008

Should you have any comments or questions regarding this matter, please do not hesitate to contact me at 602 771 4841, or by e-mail at gibbons.john@azdeq.gov.

Sincerely,



John Gibbons, Manager
Field Services Unit
Water Quality Compliance

cc: Bill Hare, EPS, WQCFSU
WQCFSU Facility File 105324
WQCFSU Reading File

Attachment 4

Brian Tompsett

From: Bill J. Hare [Hare.Bill@azdeq.gov]
Sent: Friday, May 09, 2008 2:12 PM
To: Brian
Cc: John T. Gibbons; Gary Larsen
Subject: RE: Pecan NOV compliance condition

Thanks Brian,

Actually the NOV only requires that the utility submit a plan to prevent a reoccurrence of the spill. You can send this an official letter and we can process the NOV closure through management.

Have a good weekend.

Bill Hare

From: Brian [mailto:btompsett@qwest.net]
Sent: Fri 5/9/2008 2:07 PM
To: Bill J. Hare
Cc: John T. Gibbons; Gary Larsen
Subject: Pecan NOV compliance condition

Bill-

I just wanted to follow-up with Case ID #92021 with respect to the NOV for the Pecan WWTP. I attached this email string for your reference to past correspondence. It is my understanding that this will achieve the compliance portion of Section 3 since we still have not connected the system. As you can see we have continued to work to provide a stable SCADA connection but have not yet accomplished the finalization. We have however made progress. Gary Larsen or I will contact you on Monday and hopefully have a firm date for you at that time.

1. The conduit for the SCADA line to Pecan has been installed.
2. We are prepared to connect the system once Qwest has pulled wire.
3. We are currently waiting on a "wire pull date" from Qwest.
4. As soon as we have a firm commitment we will provide ADEQ with the required information. (hopefully Monday 5/12/2008)
5. Once the wire has been pulled we can provide ADEQ with a firm connection date.

If you have any questions please contact me at the phone number below.

Brian P. Tompsett, P.E.
(480) 998-3300

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DELETE IT.

From: Gary Larsen [mailto:glarsen@johnsonutilities.com]
Sent: Tuesday, April 29, 2008 7:44 AM
To: 'Bill J. Hare'
Cc: 'John T. Gibbons'
Subject: RE: Pecan NOV compliance condition

Good Morning Bill

Quest has agreed to run service into the Plant, we are currently locating the conduit and stubbing up into the building. When this is complete Qwest will pull lines for service provided the Qwest conduit is where the as-builds show.

We still have some uncertainties and I wanted to verify my information prior to notification to DEQ.

I will keep you up to date.

Gary

From: Bill J. Hare [<mailto:Hare.Bill@azdeq.gov>]

Sent: Tuesday, April 29, 2008 6:52 AM

To: Gary Larsen

Cc: John T. Gibbons

Subject: Pecan NOV compliance condition

Gary, What was the final outcome with the Qwest phone issue @ Pecan? The NOV required that JU submit a plan of action as compliance condition No. 3.1

Thanks

(ICECASE2) ICE Cases



Cases

Case ID: 02021 Status: OPEN NOV 7 11:41 AM OPEN NOV 7 11:41 AM

Env Program Type: WWSMR SMRF (STATE WASTEWATER)

Source: INSP INSPECTION

Facility/Portable Equip: 18583 RECAN WATER RECLAMATION PLANT [Detail](#)

Permit: 241670 APP INDIVIDUAL PERMIT, OTHER AMENDMENT

Responsible Party: 38975 JOHNSON UTILITIES LLC [Detail](#)

Enforcement Officer: WJH HARE, WILLIAM J

Edit Insp ID: 114231 Inspection Comments exist SNC Based Merged Cases exist Enr Letter

Actions | Violations | Compliance Conditions | Correspondence | Additional Information | Merged Cases | Chemical Polluta

Compliance Conditions

Days: Code: Date Achieved:

Please submit:

Summary of Entries

Code	Condition Text	Days		
		Allowed	Deadline	Achieved
	a letter to ADEQ documenting that the paper debris located in spill	5	03/15/2008	03/14/2008
	a letter to ADEQ explaining reason(s) for Johnson Utilities failure to	30	04/09/2008	04/02/2008
	a letter to ADEQ that regarding a plan of action to prevent a reoccur	60	05/09/2008	

Bill Hare
 Compliance Officer
 Water Quality Field Services Unit
 Arizona Department of Environmental Quality

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Attachment 5

JOHNSON UTILITIES, L.L.C

5230 East Shea Boulevard * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908

VIA EMAIL AND U.S. MAIL

Mr. William J. (Bill) Hare
Field Services Unit
Water Quality Field Service Compliance Unit, MC 5415B-1
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

July 11, 2008

RE: Pecan Wastewater Reclamation Plant, Place ID 18583
Notice of Violation, Case ID #: 92021

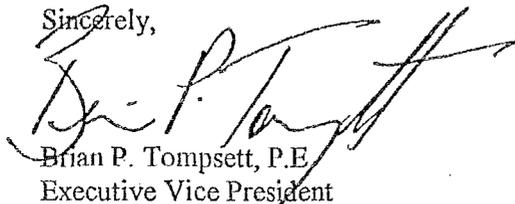
Dear Mr. Hare:

On March 4, 2008 you sent a letter informing us that ADEQ had issued a Notice of Violation (NOV), to Johnson Utilities, L.L.C. (JU) for a purported sanitary sewer overflow (SSO) from a manhole located upgradient from the Pecan WRP. On April 23, 2008 you sent a letter acknowledging that ADEQ considered that compliance had been achieved on items 1 & 2 of the NOV.

With respect to item 3 of the NOV, I believe you were aware of the continuing problems associated with securing a wireless SCADA connection at this facility. The wireless connection had been interrupted by the overhead power lines immediately adjacent to the facility. In June 2008, JU removed the wireless system and installed a SCADA system that would require a physical phone line connection from Qwest. Attached to this correspondence are a few pictures of the active SCADA system by RACO that is in the office area of the Pecan WRP. The physical connection and construction of the phone line had to be performed by and through Qwest which took a considerable amount of time. Qwest had to pull wire from a remote location to the Pecan WRP but completed the construction and the phone line went live on July 1, 2008.

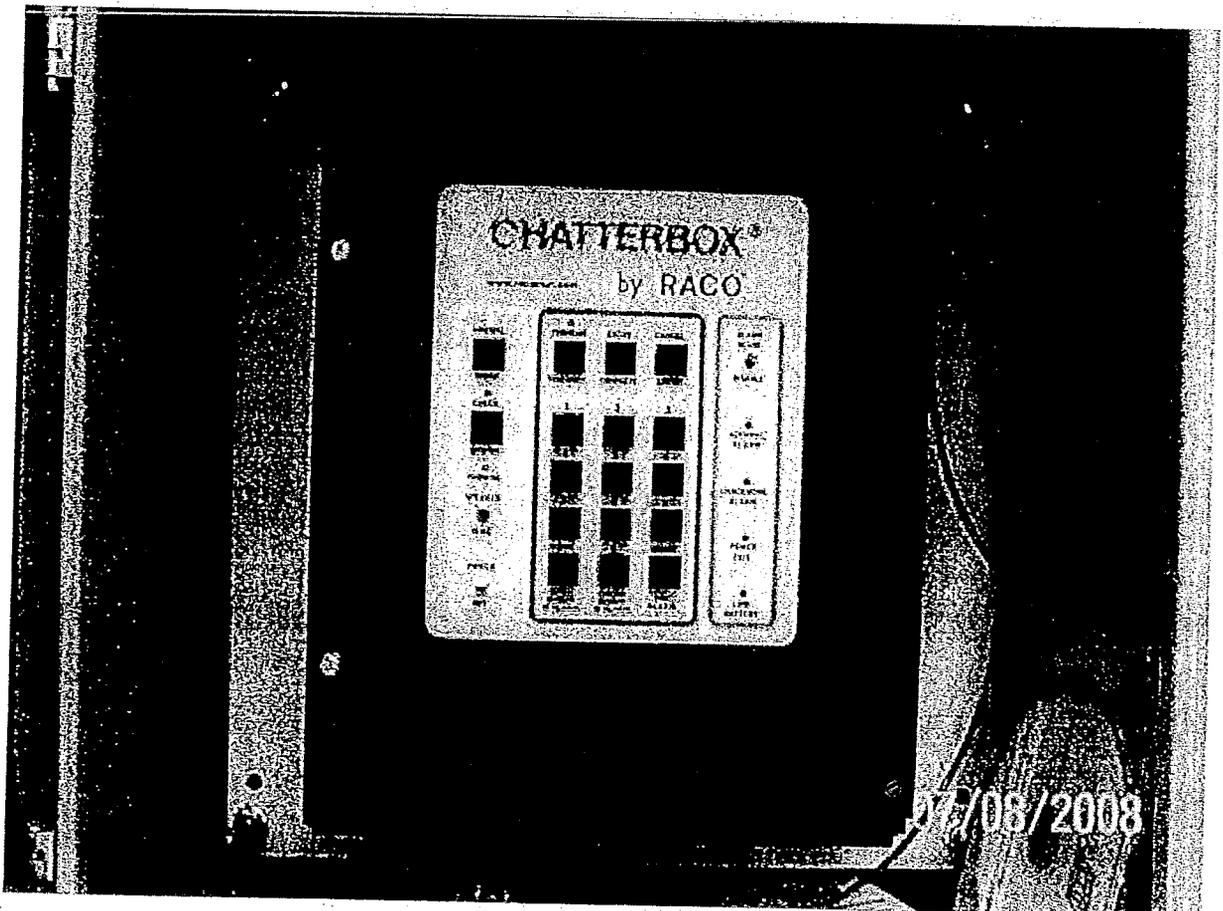
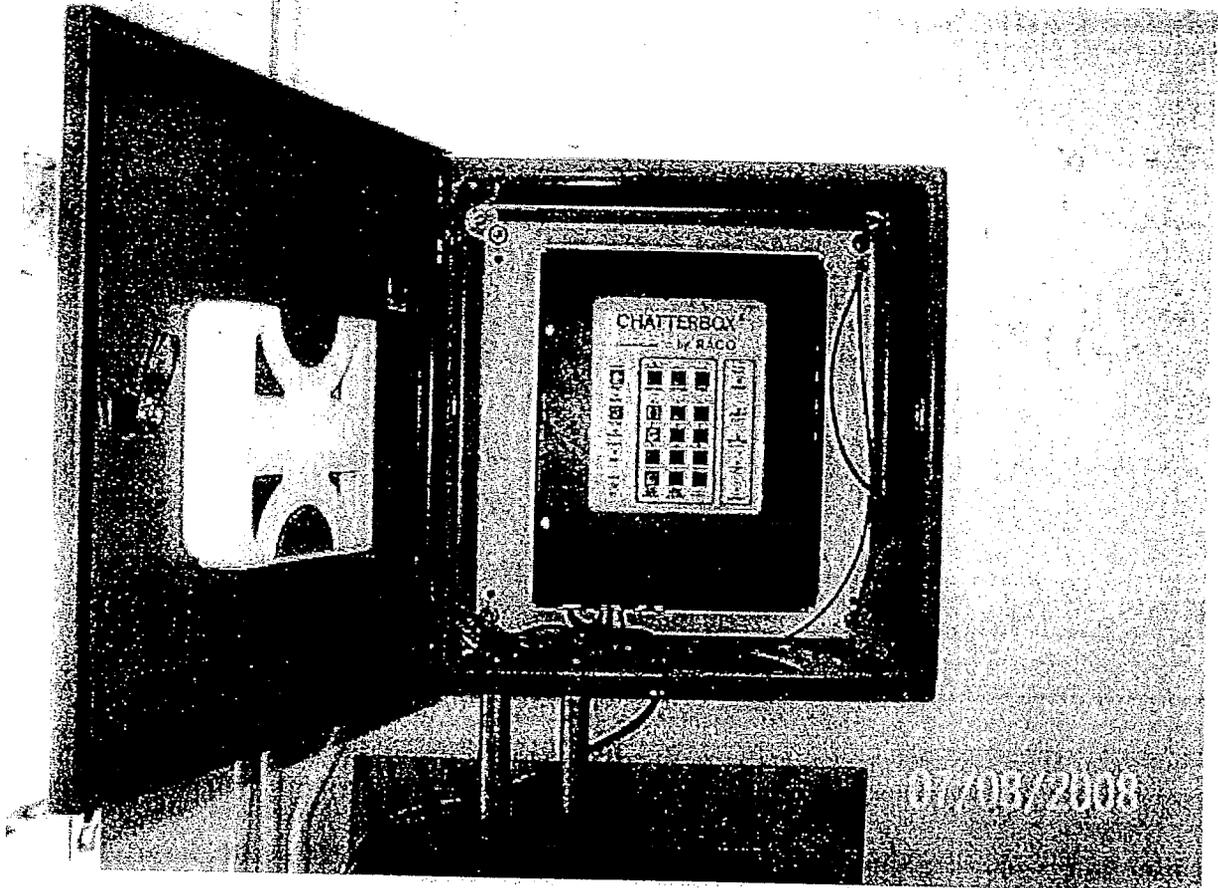
We believe this satisfies the final documentation requirements of the NOV outlined in your letter dated April 23, 2008. If you have any questions or comments, please contact me at (480) 998-3300.

Sincerely,



Brian P. Tompsett, P.E.
Executive Vice President

Cc: John T. Gibbons, Manager
Water Quality Field Service Compliance Unit



Attachment 6



Janice K. Brewer
Governor

RECEIVED
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OF
ENVIRONMENTAL QUALITY

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(602) 771-2300 • www.azdeq.gov



Henry Darwin
Director

9 March 2011

Johnson Utilities
Attn: Gregory Brown, Director of Engineering
5230 E. Shea Blvd., Ste 200
Scottsdale, AZ 85254

Re: Inspection of Pecan WRP; Inventory Number 105324

Dear Mr. Brown:

Enclosed is an inspection report that has been prepared by the Water Quality Field Services Unit (WQFSU) of the Arizona Department of Environmental Quality (ADEQ) regarding the inspection conducted at the above referenced facility on 16 February 2011. This inspection was conducted to determine compliance with Arizona Revised Statute (A.R.S.) Title 49, Chapter 2, Article 3 and Arizona Administrative Code (A.A.C.) Title 18, Chapter 9, in accordance to the authority in A.R.S. §49-203(B)(1) and A.A.C. R18-9-110(A).

No significant new deficiencies were noted during the course of the inspection. No further action is planned as a result of this inspection.

If there are any questions regarding the inspection or attached report, please contact me directly at 602-771-7667, or by e-mail at gf2@azdeq.gov.

Sincerely,

Gregory Frech, R.S.

Water Quality Compliance Field Services Unit

cc: ADEQ, Asif Majeed, APP and Reuse Unit
Facility File- 105324
WQCFUSU Reading File

Northern Regional Office
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

105324 Johnson Utilities Pecan WRP
9 March 2011

**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION - COMPLIANCE SECTION
FIELD SERVICES UNIT**

INSPECTION REPORT- WASTEWATER

Facility: Pecan WRP **AZPDES Permit No:** AZ0025445
Aquifer Protection 105324 **Inspection No:** 170369; 170371
Permit (APP) No:
Reuse Permit No: R105324 **Inspection Date:** 16 February 2011
Inspected by: Gregory Frech **Accompanied by:** Gregory Brown

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>Unknown/ Notes</u>
1. WWTF quality meets the following permit requirements:				
A. Aquifer Protection Permit				
B. Reuse Permit				
C. AZPDES Permit				
2. A certified operator is employed by the owner per ADEQ regulations.				
3. This system meets permit requirements for operation and maintenance.				

Scope and Purpose of the Inspection:

The purpose of this inspection was to determine compliance with certain aspects of the Permit, as well as to verify compliance with Arizona Revised Statutes Title 49, chapter 2, et seq. and applicable rules.

SUMMARY OF FIELD OBSERVATIONS:

Plantsite inspection: This began in the main building of the treatment plant and ended in a tour of the facility. The inspection followed the liquid flow and then the solids handling. The operators escorted on the inspection.

The attached system block diagram outlines both the liquid and the solids processes. All observed plant unit processes are accounted for in the APP permit. The plant is designed for 2 MGD but typically sees about 1.5 MGD. The plant is staffed 24/7. There are 7 operators employed by the owners of this facility.

105324 Johnson Utilities Pecan WRP
9 March 2011

The plant flow encounters the standard headworks with bar screening equipment. No discrete grit removal is used. Screenings are sent for disposal. The flow then goes through "extended aeration – post anoxic" in support of microbial life processes and removal of nitrogen (the permit requires A+ quality effluent). The plant is designed by "Aero-Mod" and is called a "Split ClaRator." According to the manufacturer, this design eliminates moving parts beneath the aeration tank surfaces. Return Activated Sludge (RAS) is sent back to the beginning of the unit process.

Following this, tertiary treatment (disk filters) are used and the flow is then disinfected using ultraviolet radiation equipment and Sodium hypochlorite. According to the operators there has never been any discharge under the AZPDES permit. Flow has a chlorine residual for APP permit discharge. Some of the water is used in the adjacent pecan grove (see photo log figure 13) which also contains small ponds to buffer the percolation rates.

The solids handling begins with the wasting of the sludge (WAS or waste activated sludge) to the aerobic digesters. From there the sludge is dewatered using the belt press. The sludge is deposited in a dumpster for disposal. The belt press filtrate is sent back to the head of the plant.

The odor control system at the plant included a carbon system which eliminates odors directly as the air stream passes through the media. An odor complaint (ADEQ #C7595) preceded this inspection by a few days but the inspection had already been scheduled. The operators said that they had visited the complaining citizen's residence to talk about her concerns. I could smell very slight odor near the carbon filter system and remarked about it to the operators. I also noted that the headworks building doors did not show negative pressure when I used the door. I asked if they had thought about adding a counter-current Sodium hydroxide system to be put in front of the carbon units to help eliminate odor escapes since the carbon unit might occasionally get overtaxed. The operators said that they were considering it.

The plant did present an appearance which indicates operators provide good housekeeping throughout: The site does appear meticulously maintained in regard to the equipment in every unit process - except for the bar screening equipment in the headworks. Access to the raised bar screen was limited: One access ladder was unstable and the other had limited headroom at the top of the ladder. The area was generally dark and dirty. Redundant hydraulic and other systems throughout the facility were available and in good working order.

Operator log sheets and/or computer logs were present during the inspection.

SCADA (Supervisory Control and Data Acquisition): the software for the system is from Allen-Bradley and is called "Panel View Plus 1000." No keyboard is used, instead the SCADA screen uses touch technology for the operator interface. The system also relies on some PLCs (Programmable Logic Controllers) for input to the SCADA. Typically, PLCs can be used should the SCADA fail. Also available are H/O/A "hand/off/auto" switches for ultimate manual control of the equipment by certified operators.

105324 Johnson Utilities Pecan WRP
9 March 2011

Collection system sample check: We toured a selected lift station in the collection system (figures 9-12). The equipment was in good condition with the site secured behind a locked, gated, enclosure. There is a gap under one corner of the fence. The gap is approximately 12 inches high and would allow a person to slide beneath the fence and gain entry. Operator logs were kept for the site. The internal components of the lift station were in good condition with no or little evidence of deterioration from the normally corrosive atmospheres encountered: The interior walls showed no evidence of corrosion and the motor rails were also in good condition. A small carbon odor control system was also available as needed. The site was clear of debris and easily accessed.

Emergency Plans and Operations & Maintenance (O&M) manual: The emergency plans were available but had outdated phone listings. The O&M manual was supplied by the vendor and was available to operators.

Pretreatment program sample check: the system does not have a flow rate above 5MGD and has no Significant Industrial or Categorical Users. No formal pretreatment program is required based on those two characteristics.

Fats Oil and Grease (FOG) program: The treatment plant did not show much evidence of FOG in the unit processes. The operators report that only 5 or 6 interceptors contribute to the collection system. No FOG program was in force.

MONITORING AND REPORTING REQUIREMENTS:

APP P-105324:

All required monitoring was performed and the Self Monitoring Report Forms were submitted to ADEQ. The data does demonstrate compliance with all discharge monitoring and Aquifer Quality Limits. Some anomalies were noted on the reports generated for the period 1 February 2010 through 1 February 2011:

1. The "4 of 7" data base programming error. The error is being worked on by ADEQ IT staff.
2. For QTR2 CY2010 a Discharge Level Exceedance was reported at 2.001 and 2.158 with a limit of 2.0. Operators mistakenly recorded and reported levels which happened during cleaning cycles.

AZPDES AZ0025445:

All required monitoring was performed and the required Discharge Monitoring Reports (DMR) were submitted to ADEQ. Note that according to operators the facility has never discharged under this permit.

COMPLIANCE SCHEDULE:

The facility Compliance Schedule in the APP permit has multiple items as follows:

Description/activities for	Deadline	Status
Status Reports	Annual	Compliance
Wastewater Reclamation Plant -- Phased Construction	Within x days of startup	N/A; construction not started yet.
POC Monitoring Well	After up gradient well	Completed in 2008.
Up gradient Monitoring Well	Various	Data submitted; ADEQ still evaluating the submittal.
POC Locations and Groundwater Flow Direction Evaluation	Annual	N/A; POC well not installed yet.
Direct Aquifer Injection Recharge Wells	Depending on time and/or flows	N/A; not discharging directly to aquifer.
Vadose Zone Recharge Wells	Various	Some completed 5 Dec 2008; The APP and Reuse Unit has requested sufficient technical information to evaluate the disposal capacity of the vadose zone wells.
Subsurface Recharge Facility	Various	Completed 21 October 2008

RECOMMENDATIONS:

1. Consider performing an engineering analysis to discover if installing a Sodium hydroxide scrubber in front of and in series with the carbon scrubber would help reduce the potential for odors travelling beyond the setback distance (as happened with odor complaint #C7595)
2. Survey the headworks building to determine why there is no negative pressure at the personnel door and if needed perform repairs or modifications to provide better building structural and air-tight integrity.
3. Rework the approaches to the headworks bar screening process. The approaches presently can risk operator safety because of an unstable ladder on one side and risk of head injury or fall on the other side. Additional lighting in the building would also decrease operator risks and increase operator maintenance efficiency.
4. Eliminate the large gap at the bottom of the corner of the fence at the lift station to provide site security.
5. Update the phone listings in the Emergency Plans and provide a mechanism to post changes and create periodic reissues of the documents.

COMPLIANCE SUMMARY:

Monitoring and Reporting Requirements. The system does provide the required information in a timely manner as stated in the permit.

Rating: Compliance.

Compliance Schedule. The system meets, has met, the requirements listed in the Compliance Schedule. Some items are not yet complete by virtue of timing. The ADEQ "APP and Reuse Unit" has requested sufficient technical information to evaluate the disposal capacity of the vadose zone wells.

Rating: Compliance.

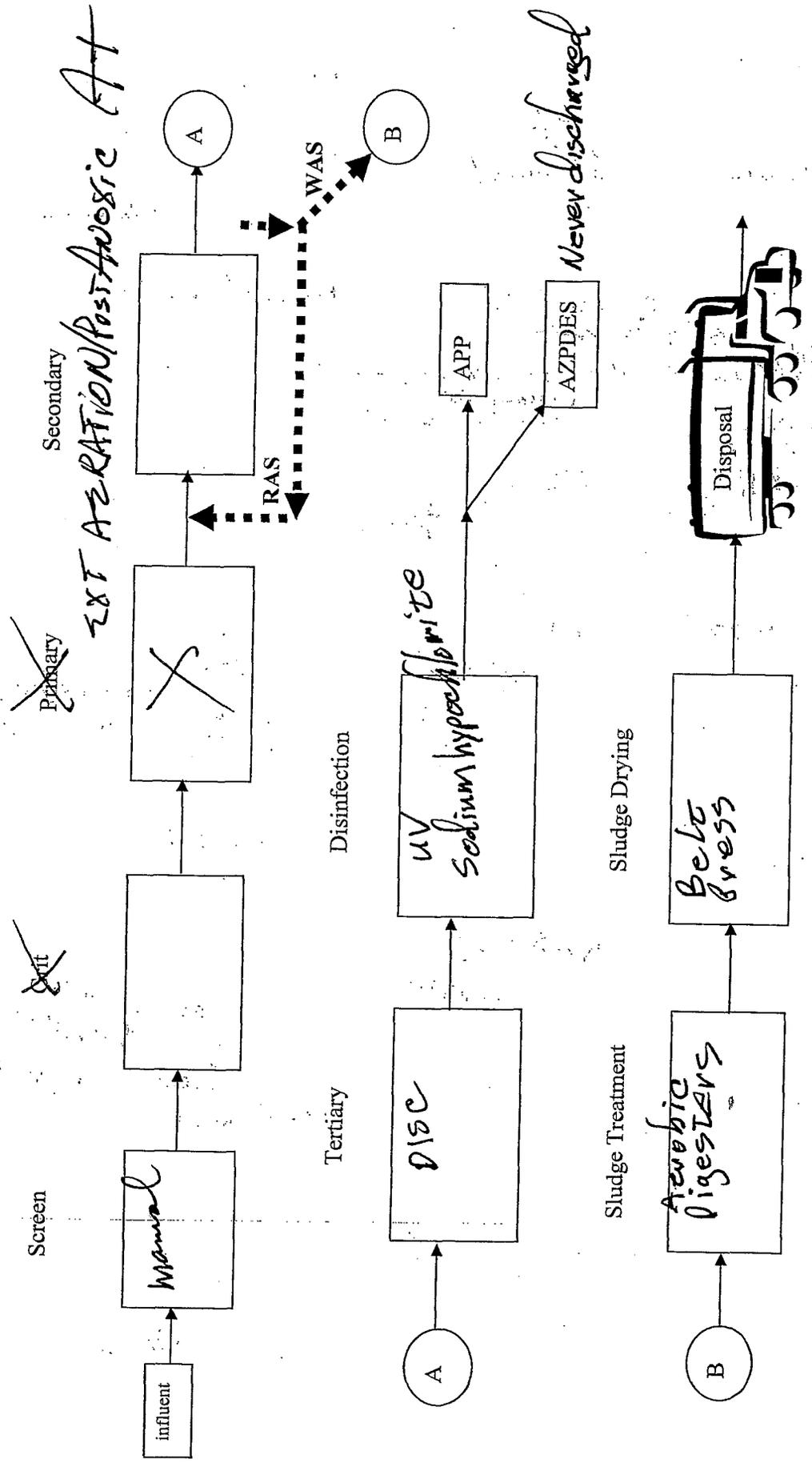
Operator Certification Requirements. According to the ADEQ operator database, Mr. Gregory Brown, Director of Engineering, is a Grade 4 Certified Operator in all 4 areas. His certifications expire on 28 February 2012

Rating: Compliance.

Operation & Maintenance (O&M) Requirements. The facility was in operation at the time of the inspection. All the required documentation was maintained. The plantsite and the collection system all appeared to be in good order with the exception of the headworks bar screen area as noted in the report. The facility was marginally in compliance with its O&M requirements.

Rating: Compliance.

END OF REPORT

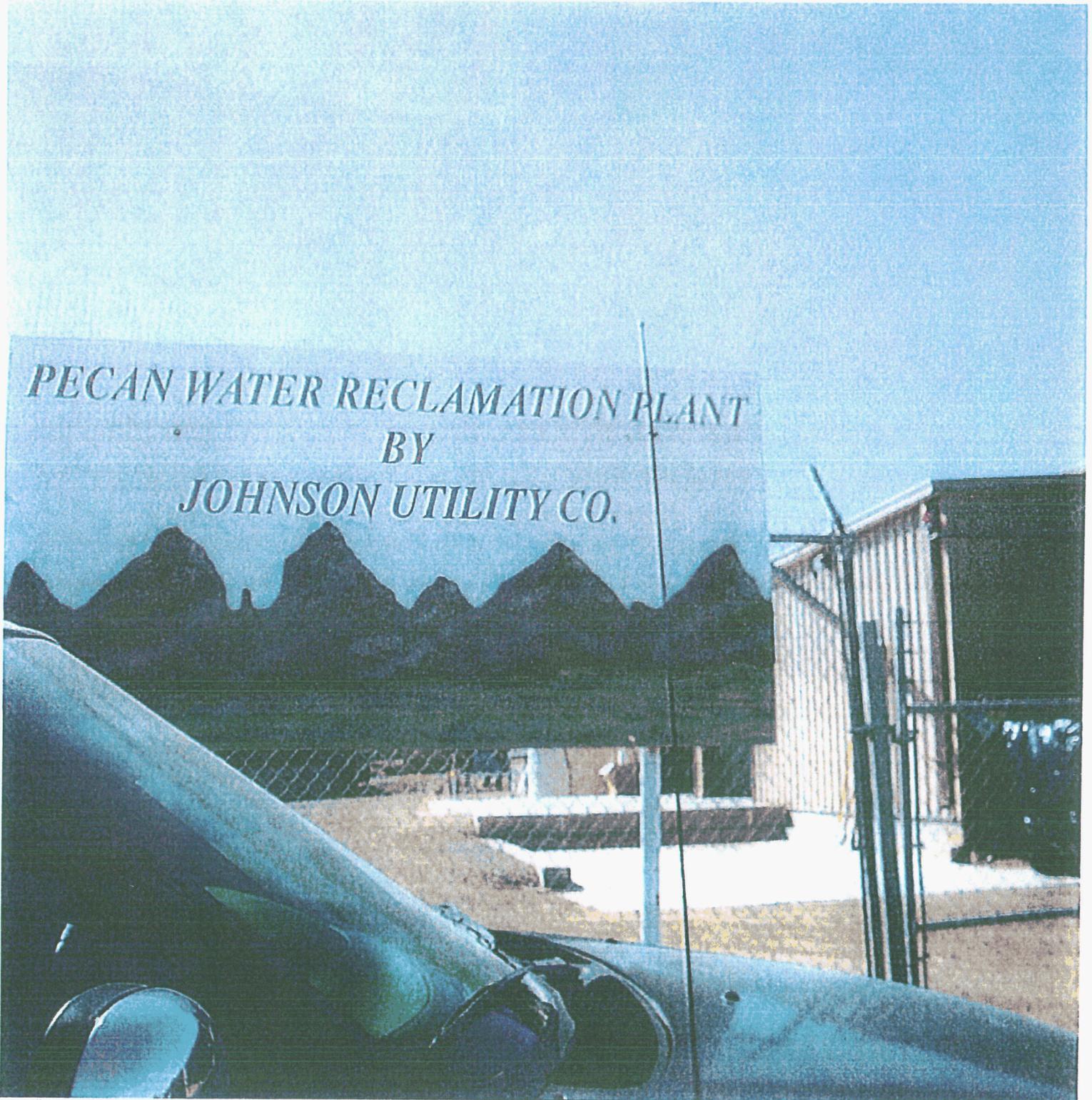


DWG: *afz*@azdeq.gov

System Block Diagram for Pecan Water Reclamation Plant

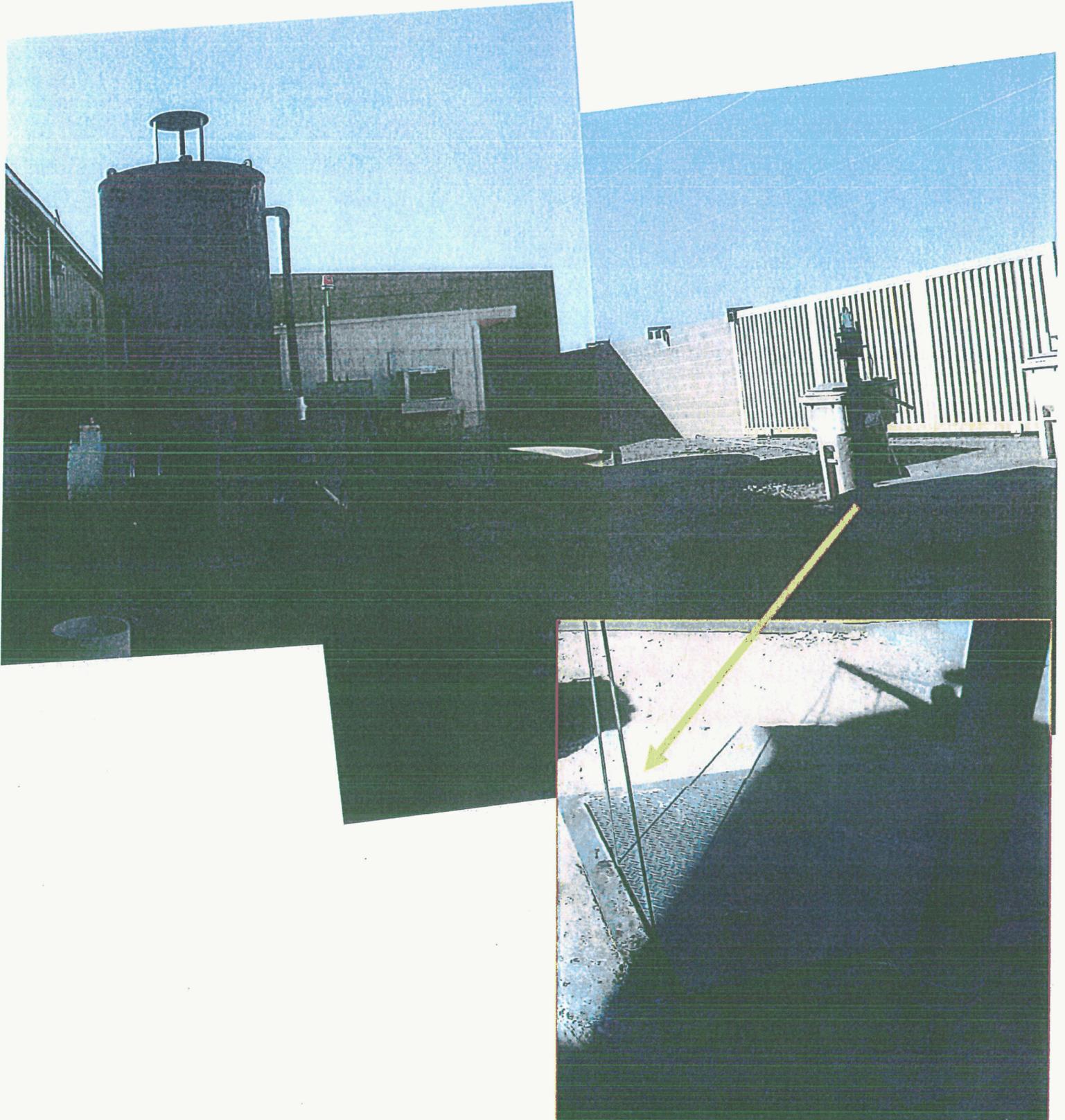
Inspection ID	170369; 170371	Place Name	Pecan WRP		
Date of image <small>Unless indicated otherwise</small>	16Feb11	Photographer <small>Unless indicated otherwise</small>	G. Frech	Place ID	18583
Page 1	Rev.1; 9Mar11	Inventory #	105324	AZPDES	AZ0025445

Figure 1



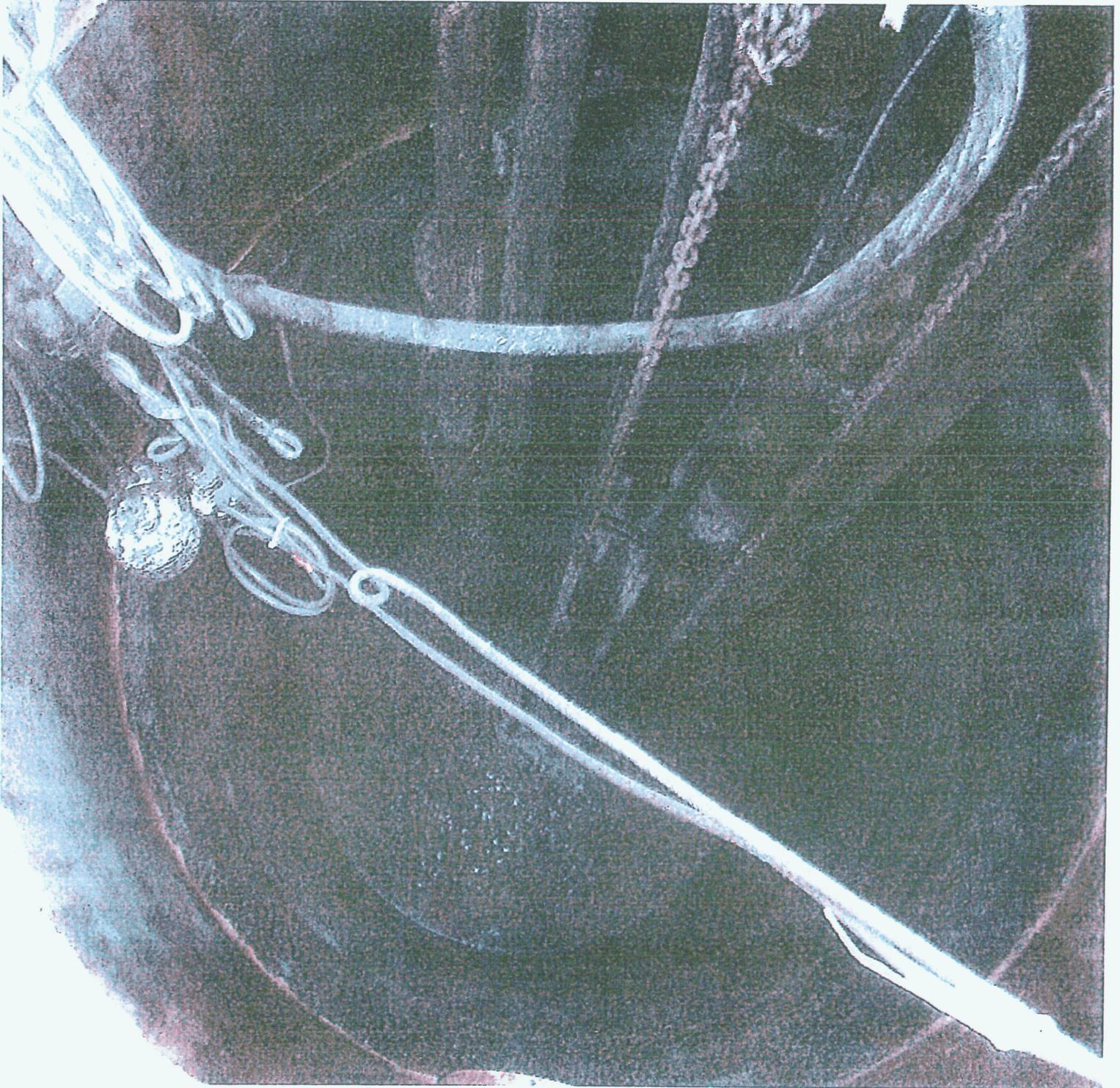
Inspection ID	170369; 170371	Place Name	Pecan WRP		
Date of image <small>Unless indicated otherwise</small>	16Feb11	Photographer <small>Unless indicated otherwise</small>	G. Frech	Place ID	18583
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Figure 2 Composite of the influent lift/pump stations with adjacent carbon filter odor control. Inset shows cables propping open an odor source.



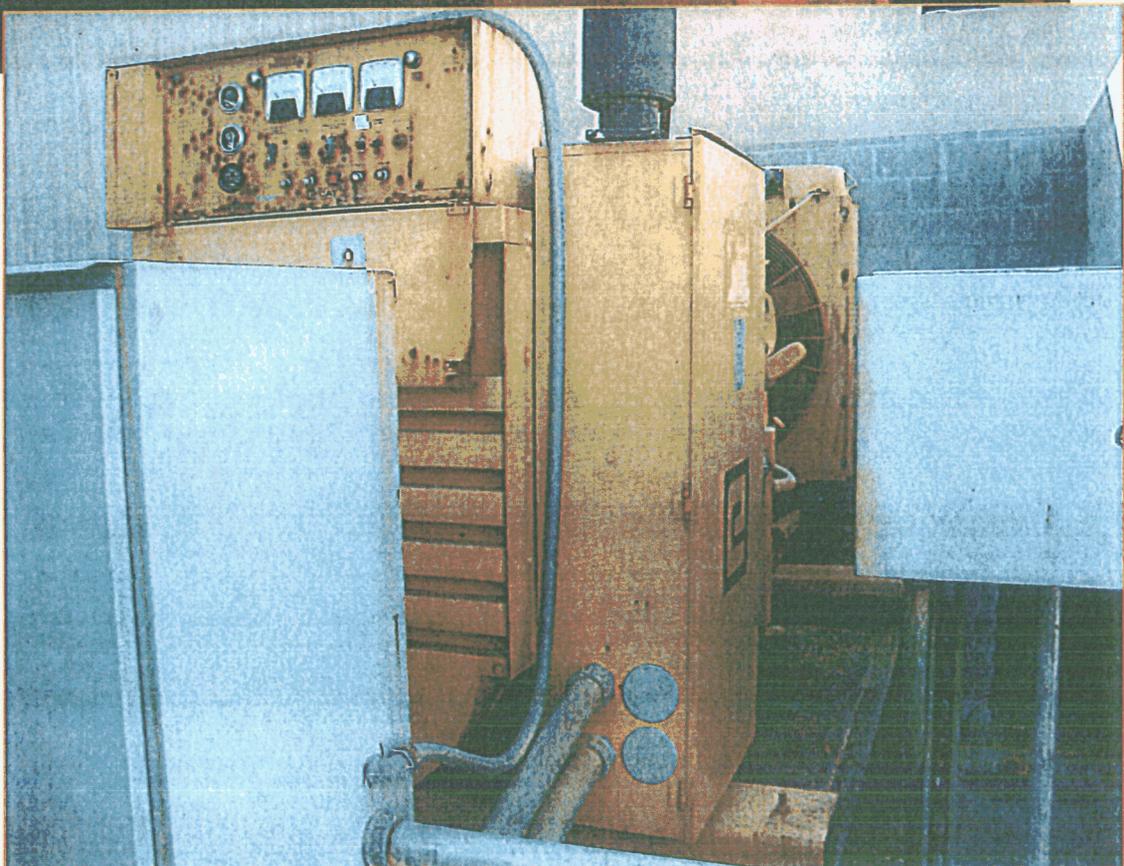
Inspection ID	170369; 170371	Place Name	Pecan WRP		
Date of image <small>Unless indicated otherwise</small>	16Feb11	Photographer <small>Unless indicated otherwise</small>	G. Frech	Place ID	18583
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Figure 3 View inside the main lift station.



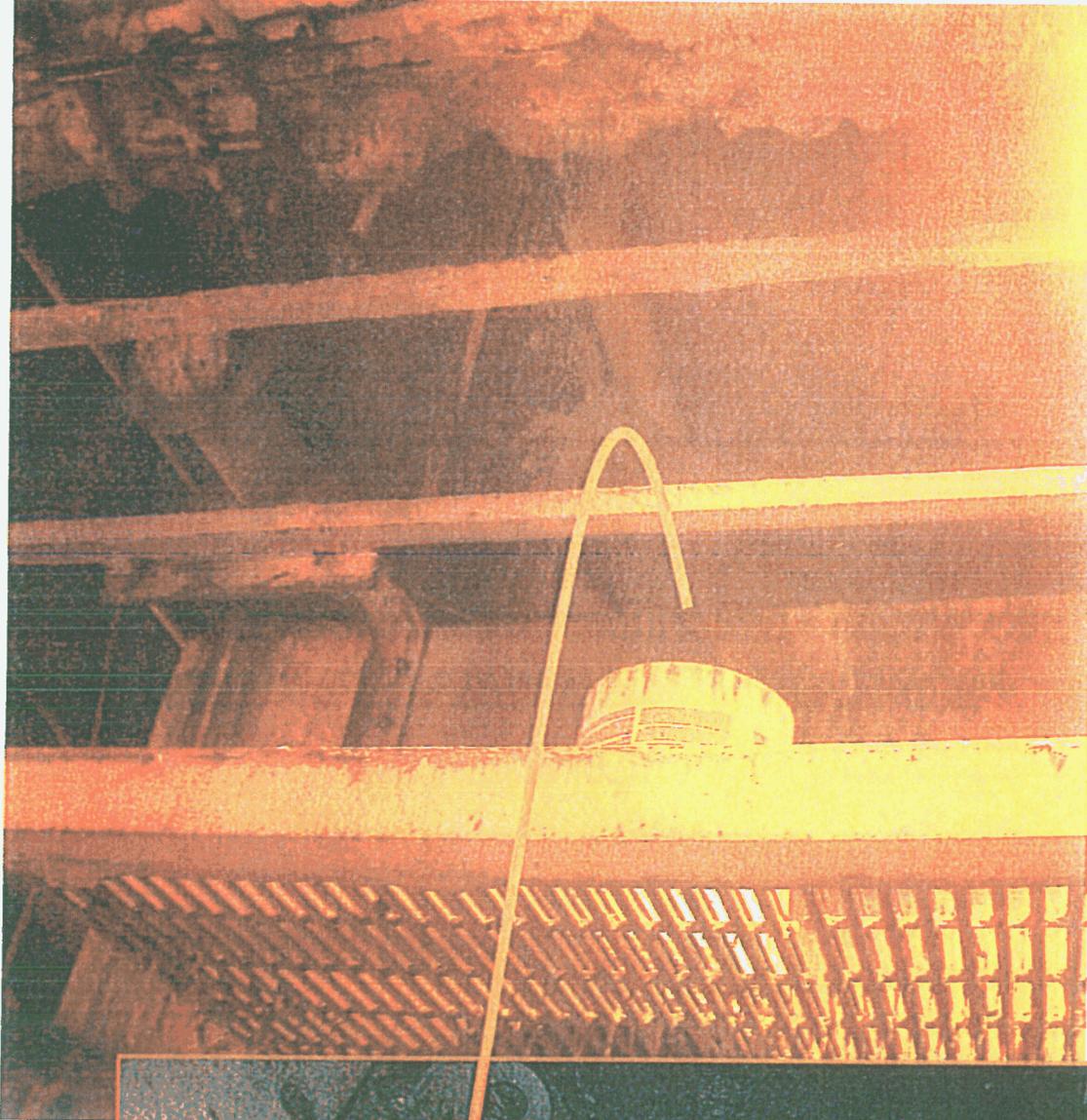
Inspection ID	170369; 170371	Place Name	Pecan WRP		
Date of image <small>Unless indicated otherwise</small>	16Feb11	Photographer <small>Unless indicated otherwise</small>	G. Frech	Place ID	18583
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Figure 4 Top: Non-op and no longer used screening equipment. Below: backup generator.



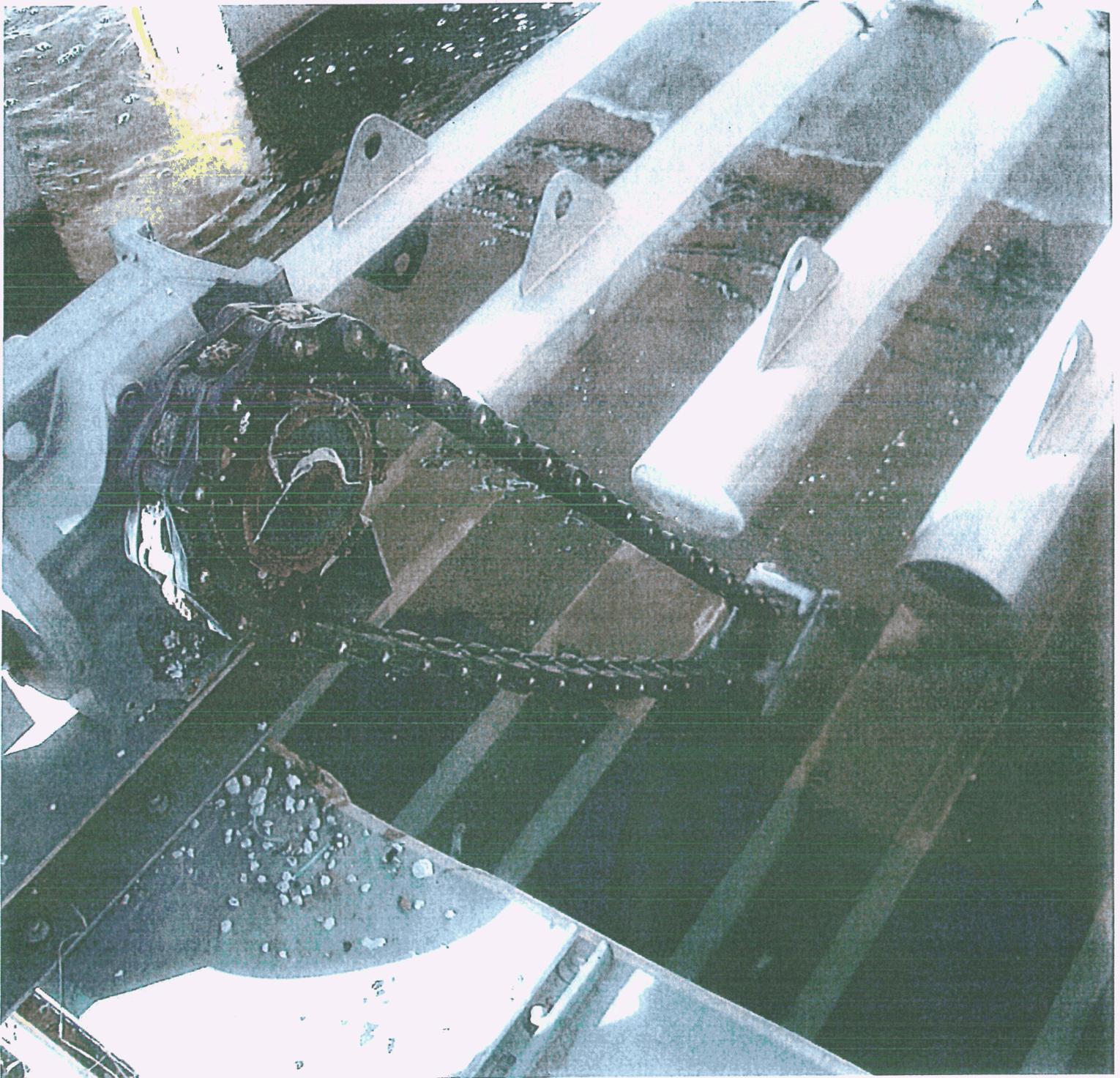
Inspection ID	170369; 170371	Place Name	Pecan WRP		
Date of image <small>Unless indicated otherwise</small>	16Feb11	Photographer <small>Unless indicated otherwise</small>	G. Frech	Place ID	18583
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Figure 5 Headworks step bar screen.



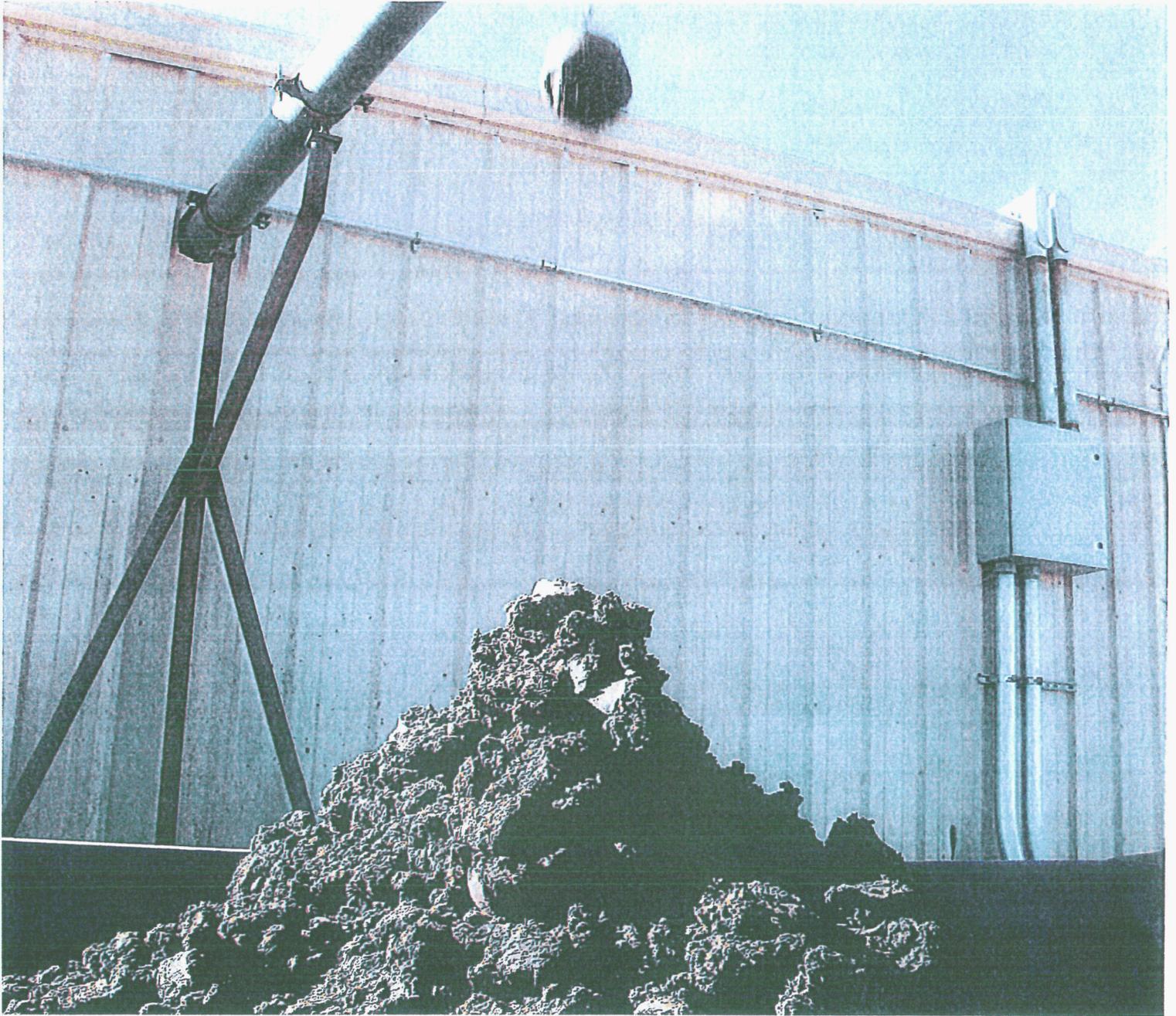
Inspection ID	170369; 170371	Place Name	Pecan WRP		
Date of image <small>Unless indicated otherwise</small>	16Feb11	Photographer <small>Unless indicated otherwise</small>	G. Frech	Place ID	18583
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Figure 6 Disk filter chain drive



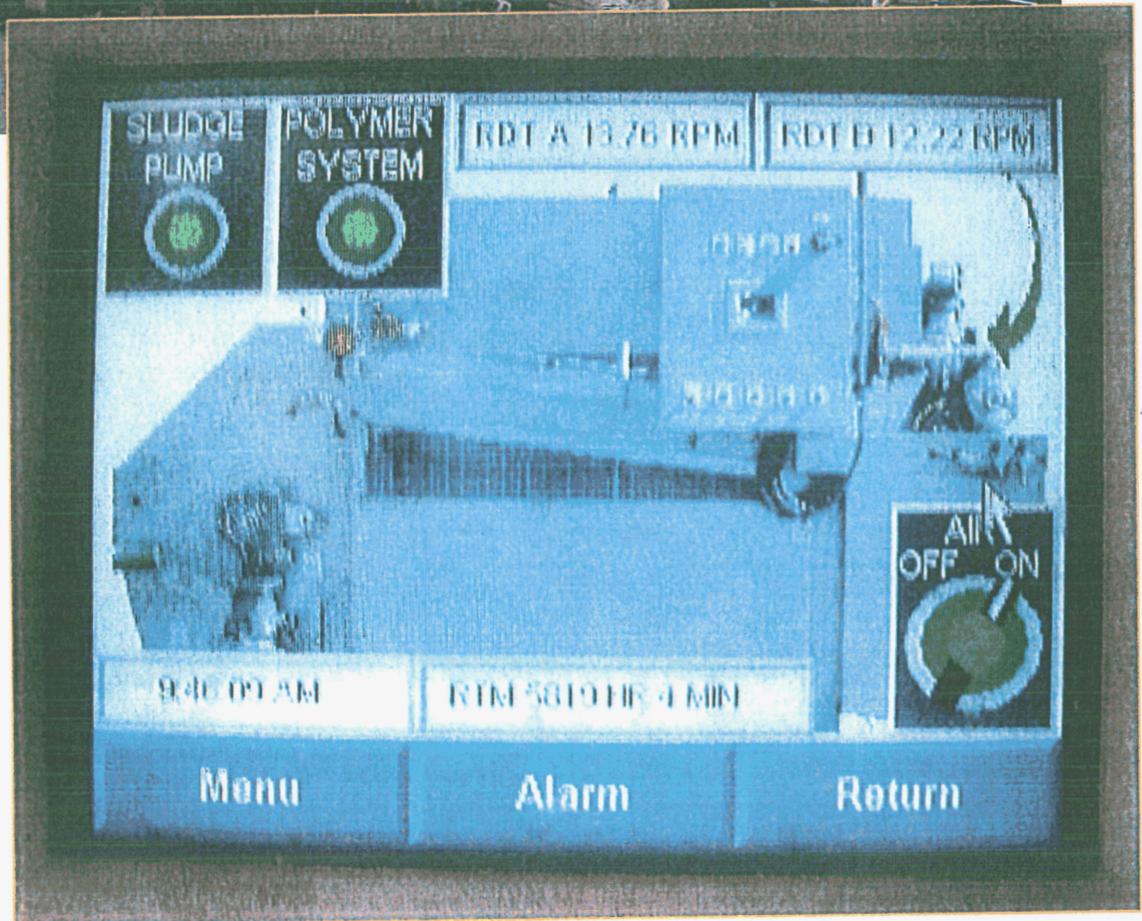
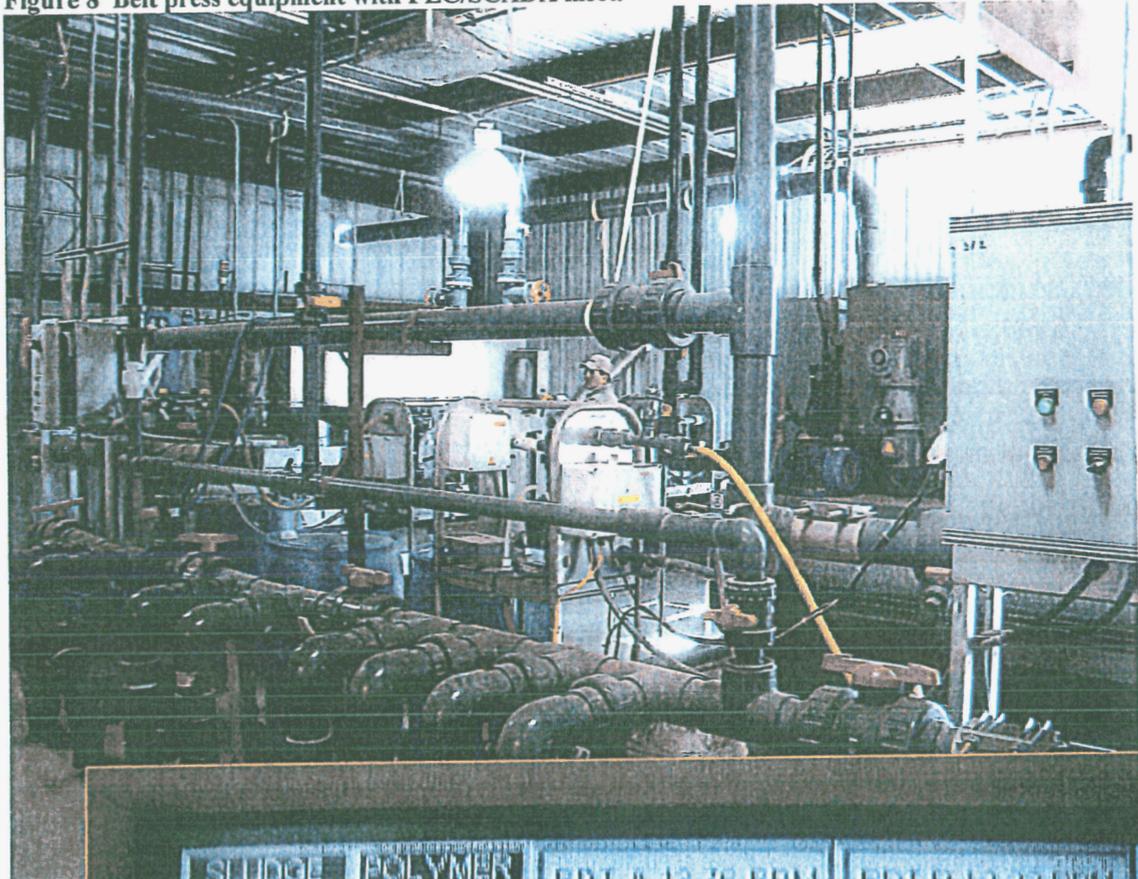
Inspection ID	170369; 170371	Place Name	Pecan WRP		
Date of image <small>Unless indicated otherwise</small>	16Feb11	Photographer <small>Unless indicated otherwise</small>	G. Frech	Place ID	18583
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Figure 7 Dried sludge dropping into disposal roll-off.



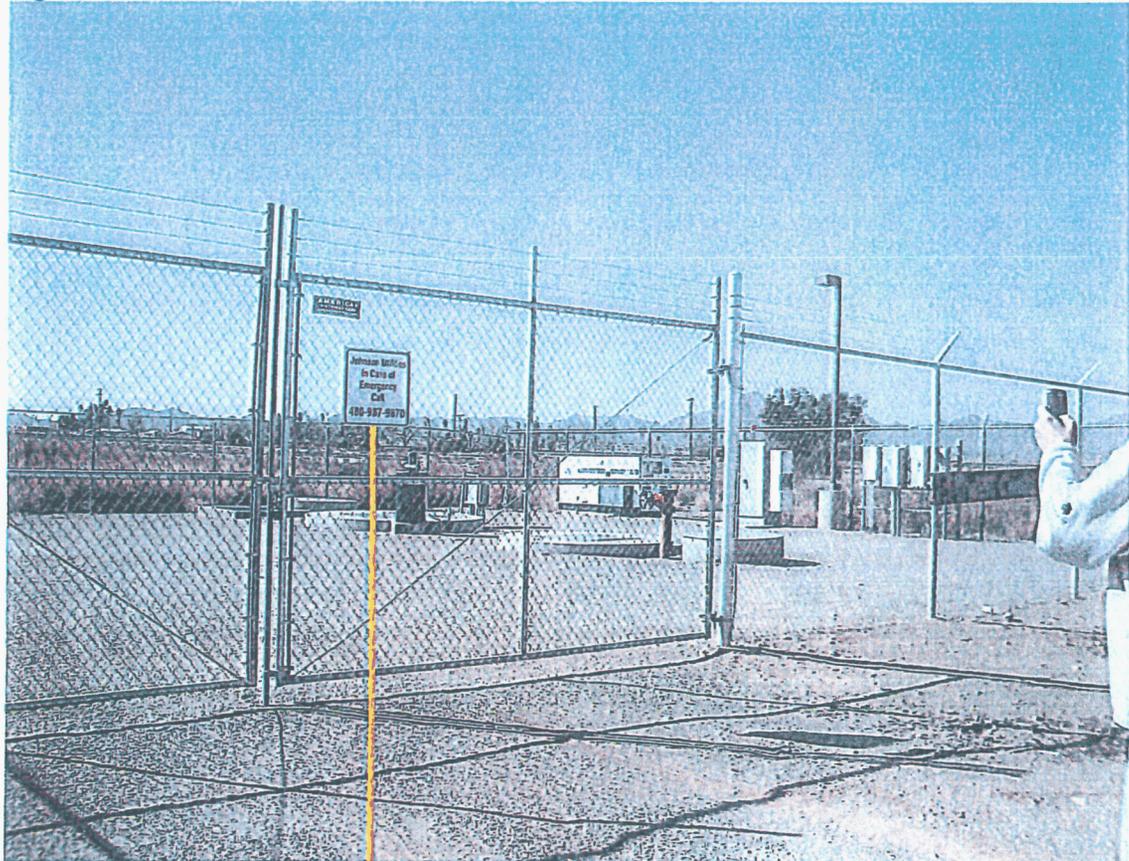
Inspection ID	170369; 170371	Place Name	Pecan WRP		
Date of image <small>Unless indicated otherwise</small>	16Feb11	Photographer <small>Unless indicated otherwise</small>	G. Frech	Place ID	18583
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Figure 8 Belt press equipment with PLC/SCADA inset.



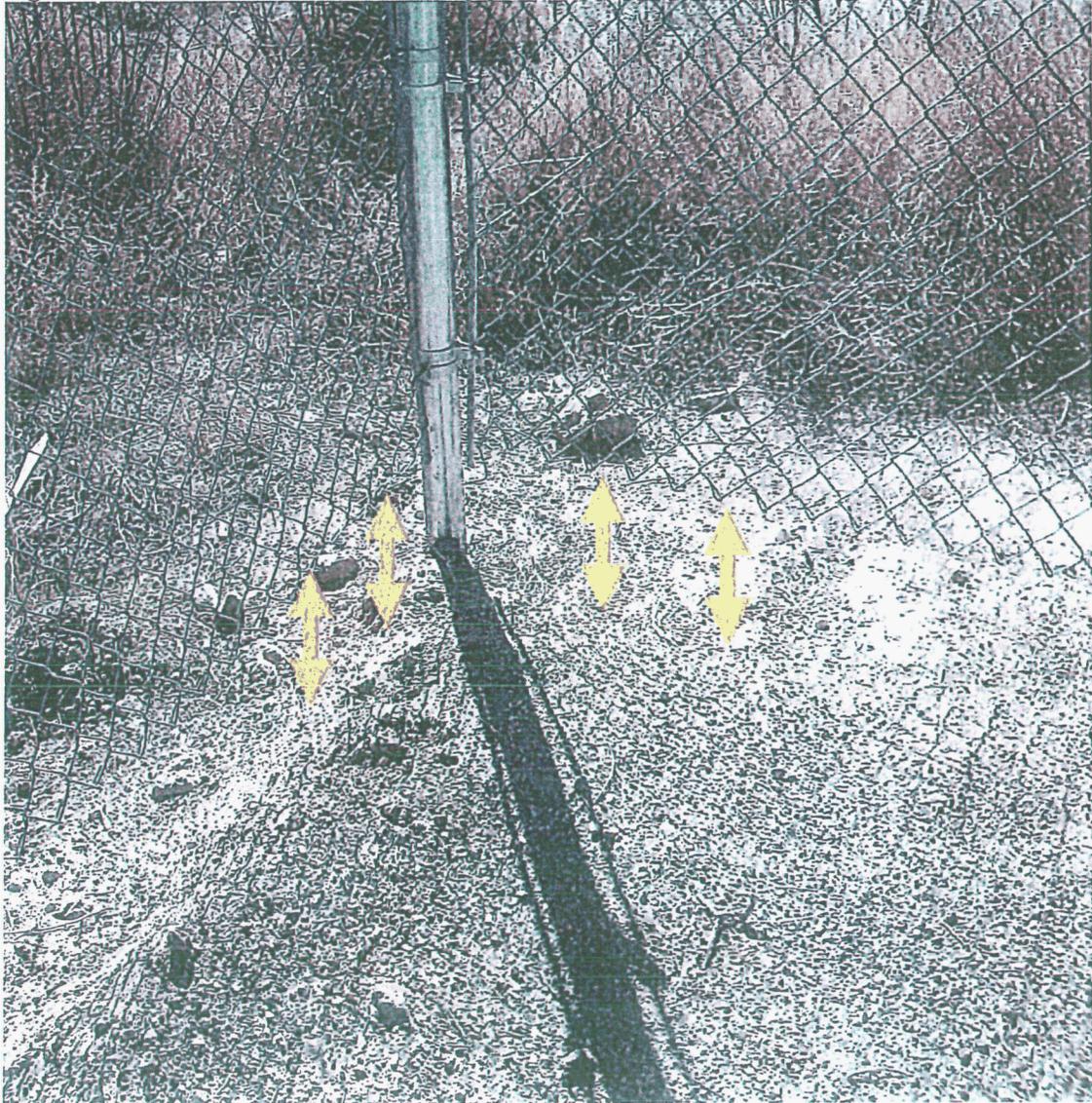
Inspection ID	170369; 170371	Place Name	Pecan WRP		
Date of image Unless indicated otherwise	16Feb11	Photographer Unless indicated otherwise	G. Frech	Place ID	18583
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Figure 9 Lift station



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Date of image <small>Unless indicated otherwise</small>	16Feb11	Photographer <small>Unless indicated otherwise</small>	G. Frech	Place ID	18583
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Figure 10 Lift station fence with ~12 inch gap at bottom in corner.



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Date of image Unless indicated otherwise	16Feb11	Photographer Unless indicated otherwise	G. Frech	Place ID	18583
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Figure 11 Operator log sheets.

Florencio CHAVEZ

JOHNSON UTILITIES PASS DOWN SHEET LIFT STATIONS									
DATE	TIME	GPM	LEVEL	FLOATS	GEN	GEN FUEL	METER READ	NOTES	
	7:20	850250	LO	W	OK		1779215	X1000	
	10:48	365380	LO	W	OK		171982	X1000	
	10:57		LO	W	OK				
	11:04		LO	W	OK				
	11:12		LO	W	OK	17 FT 20 W			
	11:48	935	LO	W	OK		17789	X1000	
	11:35	400	LO	W	OK		172261	X1000	
	11:23	556	LO	W	OK		1727043	X1000	
	1:17	1200	LO	W	OK		17741	X1000	
	1:32	900	LO	W	OK		168678	X1000	
							501-20		

4DF
RANCHO BELLA VIS
A/B
RANCHO BELLA VIS
1452
UNIT 6
SAN TAN HILLS SCH
CIRCLE CROSS #1
MOURNING SUN FA
CIRCLE CROSS #2
PARKS
ARCHER MEADOWS
LAREDO
MEADOWS
LINKS

Johnson Utilities
Pecan WRP
Daily Operations Report

Operator Name: Florcncio Chavez Date: 2-16-11 Time: 6:00

Mainline Check: #1 15569.0 #2 6998.7 Air Temp: 48° Precip: 0.0

Infl. Pump Speed: #1 04000 #2 17000 Wind: 0.2/1.5E

Influent Meter: 286351.5 Prev: 286707.9 Flow/med: 0 1439

Effluent Meter: 15222.5 Prev: 132745.9 Flow/med: 0 1726

Pond Meter: 2090 Prev: 2090 Flow/med: 0 0

Compressor Hrs.: #1 6077.1 #2 5041.5 #3 1814.7

Sludge Pump Hrs.: #2 5341.2 Press Hrs.: 5515.15 Cake Hrs.: 3431 #2

Sludge Pump Hrs.: #1 0/0 #2 0/0 Cake Hrs.: 0/0 #1

Chlorine Gallons: #1 751 Prev: 1050 Use/gal: 0

E.E. Hrs.: #1 6772.2 #2 6647.7 #3 6637.5 #4 546.5

A/B Blower Hours: #1 2057.1 Speed: 60

Effluent to:

#1 1726

#2 0

#3 0

#4 0.000 1726

Pecan WRP
Daily Operations Log

Date	Time	Observation/Description/Action Taken	Initial
2/13/11	25:00	Washed water & paper in 15' aeration & clarifier	
2/14/11	7:00	Checked blowers & belts	
	02:00	Cleaned int screen	
	03:00	Spun out separator & clarifiers	
	04:00	Phone on charge, swept office	
2/14/11	4:00	ON SITE	
	4:15	walked plant	
	4:40	checked int screen	
	4:50	started Reeds	
	5:30	stopped Reel flow in int screen	
		stopped checked in with Reel	
	6:00	checked man hole	
	6:30	walked plant	
	7:00	finished Reeds	
	7:20	check man hole still no flow	
	8:00	checked int still no flow, called Rod	
	8:30	started cleaning CED	
	10:00	cleaned int screen	
	11:00	lunch	
	11:30	Back from lunch	
	12:00	water pressure down	
	12:30	walked plant	
		checked int screen	

Effluent to:

#1 1726

#2 0

#3 0

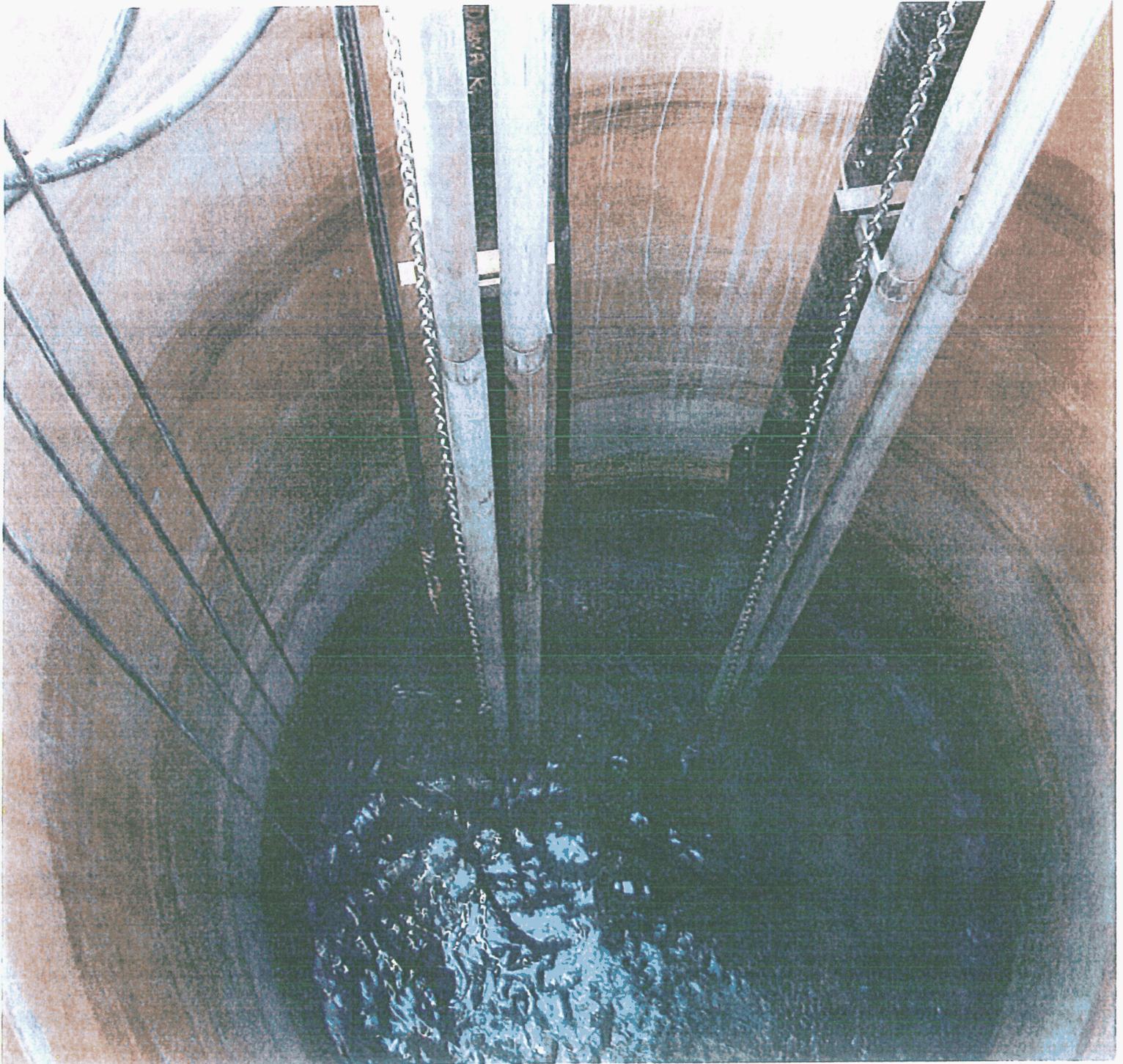
#4 0.000 1726

#1 96

#2 848

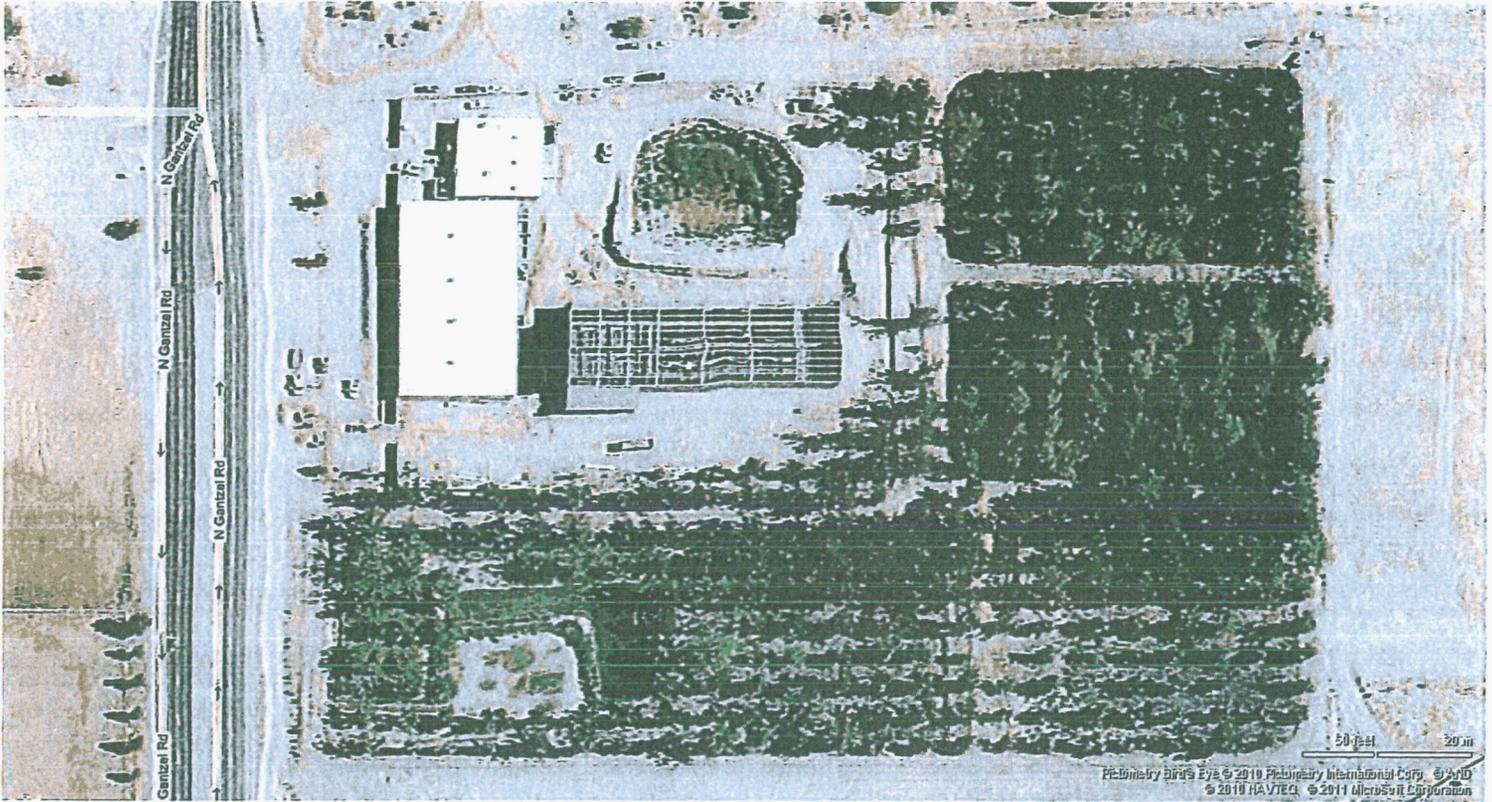
Inspection ID	170369; 170371	Place Name	Pecan WRP		
Date of image <small>Unless indicated otherwise</small>	16Feb11	Photographer <small>Unless indicated otherwise</small>	G. Frech	Place ID	18583
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Figure 12 View inside the lift station.



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Date of image Unless indicated otherwise	16Feb11	Photographer Unless indicated otherwise	G. Frech	Place ID	18583
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Figure 13 Top: Bing view (downloaded 2 March 2011) of the Pecan facility; Bottom: Mapquest view (downloaded 2 March 2011) of the Pecan facility.



Attachment 7



BEFORE THE DIRECTOR OF THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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In the Matter of:

Pecan Water Reclamation Plant
located at 28539 North Gantzel Road,
Queen Creek
Pinal County, Arizona
Place ID 18583

)
)
) **COMPLIANCE ORDER**
) **Docket No. P-57-08**
)
)
)

To: Johnson Utilities, L.L.C. in its capacity as owner/operator of Pecan Water Reclamation Plant ("Pecan WRP") located at 28539 North Gantzel Road, Queen Creek, Pinal County, Arizona.

RECITALS

The Director of the Arizona Department of Environmental Quality (ADEQ) has determined that Johnson Utilities, L.L.C. is in violation of the Arizona Revised Statutes (A.R.S.), the rules adopted pursuant to the A.R.S., or a permit issued pursuant to the A.R.S. As a result, the Director is issuing this Order requiring compliance within a reasonable time as specified below.

I. AUTHORITY

The Director is authorized to issue this Order pursuant to A.R.S. §§ 49-261 or 49-142.

II. NATURE OF VIOLATIONS

The Director has reason to believe that Johnson Utilities, L.L.C. has violated the following provisions set forth in the A.R.S., the Arizona Administrative Code (A.A.C.), or an ADEQ issued permit:

- A. **A.R.S. § 49-255.01(A)**
Addition of a pollutant to navigable waters from a point source without a permit.

1 On May 17 and 18, 2008, approximately 10,000 total gallons of untreated raw
2 sewage from two sanitary sewer overflows (SSOs) from the sewer collection system of
3 the Pecan WRP flowed through a spillway into Queen Creek. Johnson Utilities, L.L.C.
4 does not have an Arizona Pollutant Discharge Elimination System ("AZPDES") permit
5 for the discharge of untreated sewage to Queen Creek.

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B. **A.R.S. § 49-241(B)(9)**
Discharge without an Aquifer Protection Permit

On May 17 and 18, 2008, approximately 10,000 gallons of untreated raw sewage
from two sanitary sewer overflows (SSOs) from the sewer collection system of the Pecan
WRP flowed through a spillway into Queen Creek. Johnson Utilities, L.L.C. does not
have an Aquifer Protection Program ("APP") permit for the discharge of untreated sewage
to Queen Creek.

C. **A.A.C. R18-11-109(A)**
Violation of the numeric surface water quality standard for E. coli.

On May 17 and 18, 2008, approximately 10,000 gallons of untreated raw sewage
from two sanitary sewer overflows (SSOs) from the sewer collection system of the Pecan
WRP flowed through a spillway into Queen Creek. The raw sewage combined with the
standing surface water in a portion of Queen Creek. Both ADEQ and Johnson Utilities,
L.L.C. have sampled the standing water on at least 13 occasions since between May 20,
2008 and July 10, 2008, with results ranging from 50 to >1600 cfu/100 ml. The results
reveal ongoing exceedances of single sample maximums and geometric means of
numeric surface water quality standards for partial body contact for Escherichia coli ("E.
coli"), expressed in colony forming units per 100 milliliters of water (cfu/100 ml). For
partial body contact the single sample maximum is 235 cfu/100 ml and the geometric
mean is 126 cfu/100ml.

III. TIME FOR COMPLIANCE

IT IS ORDERED that Johnson Utilities, L.L.C. achieve compliance by taking the specific
actions set forth below:

A. No later than three (3) calendar days from the receipt of this Order, Johnson Utilities,
L.L.C. shall begin pumping all the standing water from the area of Queen Creek within the
bermed former sand and gravel area east of Gantzel Road and convey it to a permitted
wastewater treatment facility for treatment and disposal. Johnson Utilities, L.L.C. shall ensure
that the water is treated in compliance with the Aquifer Protection Permit issued for the
wastewater treatment facility. Johnson Utilities, L.L.C. shall complete removal of the referenced

1 standing water in Queen Creek no later than 25 (twenty-five) calendar days from receipt of this
2 Order. During the time of pumping pursuant to this Order, maintain or replace the signs posted
3 pursuant to ADEQ's letter to Johnson Utilities dated May 22, 2008 so they are visible to the
4 public at access points to the standing water in Queen Creek.

5 **IV. RIGHT TO HEARING AND INFORMAL SETTLEMENT CONFERENCE**

6 A. Johnson Utilities, L.L.C. has a right to a hearing before an administrative law
7 judge to contest this Order, provided that a notice of appeal or request for hearing is made within
8 thirty (30) calendar days of receipt of this Order. A notice of appeal or request for hearing must
9 be in writing and must specifically identify those portions of this Order which are contested.

10 B. Johnson Utilities, L.L.C. has a right to request an informal settlement conference
11 pursuant to A.R.S. § 41-1092.06, provided there has been a timely request for hearing. A request
12 for an informal settlement conference must be filed with ADEQ no later than twenty (20)
13 calendar days before the hearing.

14 C. All notices of appeal, requests for hearing, and requests for an informal settlement
15 conference must be submitted to ADEQ in writing at the following address:

16 Arizona Department of Environmental Quality
17 Office of Administrative Counsel
18 Attention: Judith Fought, Hearing Administrator
19 1110 West Washington Street
20 Phoenix, Arizona 85007-2935

19 **V. ENFORCEMENT OF ORDER**

20 This Order becomes final and enforceable in superior court within thirty (30) calendar days of
21 receipt, unless a hearing is properly requested as set forth above. As a result, the effective date
22 of this Order is thirty (30) calendar days from the date of receipt, or if this Order is appealed as
23 set forth above, the date that Johnson Utilities, L.L.C. receives the Director's final decision on
24 the appeal.

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VI. VIOLATION OF ORDER

Failure to comply with this Order once effective may subject Johnson Utilities, L.L.C. to further administrative or judicial sanctions including, but not limited to, significant civil penalties under A.R.S. § 49-262.

VII. CORRESPONDENCE

All invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance or required by this Order must be mailed or hand delivered to the following address:

Arizona Department of Environmental Quality
Water Quality Division
Attention: Cynthia S. Campbell, Manager, Compliance Section
1110 West Washington Street
Phoenix, Arizona 85007-2935
Telephone: (602) 771-2209
Email: csc@azdeq.gov

Any such correspondence shall be deemed submitted when received by the ADEQ at the above address.

VIII. RESERVATION OF RIGHTS

By issuing this Order the Arizona Department of Environmental Quality does not waive its right to seek appropriate penalties or injunctive relief in superior court for violations of the Arizona Revised Statutes, any rule, permit, or order promulgated or issued thereunder, or any other applicable environmental statute or legal authority.

ISSUED this 14th day of July, 2008.



Joan Card, Director
Water Quality Division
Arizona Department of Environmental Quality

1 ORIGINAL of the foregoing Compliance Order was sent certified mail, return receipt requested,
2 this 14 day of July, 2008, to:

3 Gary A. Drummond, Statutory Agent
4 2525 East Arizona Biltmore Circle #117
5 Phoenix, Arizona 85016

6 COPY of the foregoing Compliance Order was sent certified mail, return receipt requested, this
7 14 day of July, 2008, to:

8 Johnson Utilities, L.L.C.
9 Attention: Brian Tompsett
10 5230 East Shea Boulevard
11 Scottsdale, Arizona 85254-5750

12 COPY of the foregoing Compliance Order was filed this 14 day of July, 2008, with:

13 Arizona Department of Environmental Quality
14 Office of Administrative Counsel
15 Attention: Judith Fought, Hearing Administrator
16 1110 West Washington Street
17 Phoenix, Arizona 85007-2935

18 COPIES of the foregoing Compliance Order were sent by regular/interdepartmental mail, this
19 14 day of July, 2008, to the following:

20 Tamara Huddleston, Chief Counsel, Environmental Enforcement Section
21 Arizona Attorney General's Office

22 Joan Card, Director, Water Quality Division
23 Cynthia Campbell, Manager, Water Quality Compliance Section

24 Pinal County Health & Human Services Department
25 Elizabeth Garcia, Assistant County Manager
P.O. Box 868
Florence, AZ 85232

Steve Olea
26 Arizona Corporation Commission
27 1200 West Washington Street
28 Phoenix, Arizona 85007

29 Ken Greenberg
30 Water Division (WTR-7)
31 U.S. Environmental Protection Agency - Region IX
32 75 Hawthorne Street
33 San Francisco, CA 94105

Attachment 8

Snell & Wilmer
L.L.P.
LAW OFFICES

One Arizona Center
Phoenix, AZ 85004-2202
602.382.6000
602.382.6070 (Fax)
www.swlaw.com

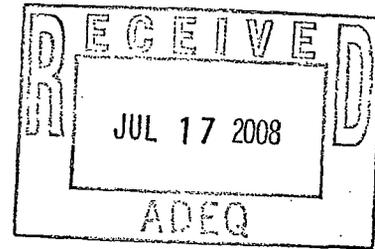
Jeffrey W. Crockett
602.382.6234
jcrockett@swlaw.com

July 17, 2008

DENVER
LAS VEGAS
ORANGE COUNTY
PHOENIX
SALT LAKE CITY
TUCSON

HAND-DELIVERED

Arizona Department of Environmental Quality
Office of Administrative Counsel
Attn: Judith Fought, Hearing Administrator
1110 West Washington Street
Phoenix Arizona 85007-2935



**Re: Pecan Water Reclamation Plant
ADEQ Compliance Order in Docket No. P-57-08**

Dear Ms. Fought:

This firm represents Johnson Utilities, L.L.C. ("JU"), the owner and operator of the Pecan Water Reclamation Plant ("Pecan WRP") located at 28539 N. Gantzel Road, Queen Creek, Pinal County, Arizona. On July 14, 2008, the Arizona Department of Environmental Quality ("ADEQ") issued a Compliance Order ("Compliance Order") to JU in Docket No. P-57-08 alleging violations of A.R.S. § 49-255.01(A), A.R.S. § 49-241(B)(9) and Arizona Administrative Code R18-11-109(A) resulting from a sanitary system overflow ("SSO") caused by blockages in a pump at the lift station at the Pecan WRP. ADEQ estimated that as a result of the SSO, approximately 10,000 total gallons of untreated raw sewage flowed through a concrete spillway toward Queen Creek Wash, where some portion of the sewage may have combined with an estimated 8,000,000 gallons of standing storm water runoff from rainfall earlier in the year. The JU personnel which responded to the SSO estimated the volume at approximately 6,000 total gallons, and believe that little if any of the sewage actually reached the standing storm water runoff in Queen Creek Wash because JU immediately recaptured the sewage in an ADEQ-approved tank truck and transported it to the Pecan WRP for treatment.

On July 15, 2008, ADEQ sent a copy of the Compliance Order to JU via e-mail. JU received a hard copy of the Compliance Order via certified mail on July 16, 2008. Pursuant to Section III of the Compliance Order, JU was ordered to take the following specific actions:

No later than three (3) calendar days from the receipt of this Order, Johnson Utilities, L.L.C. shall begin pumping all the standing water from the area of

Arizona Department of Environmental Quality
Office of Administrative Counsel
Attn: Judith Fought, Hearing Administrator
July 17, 2008
Page 2

Queen Creek within the bermed former sand and gravel area east of Gantzel Road and convey it to a permitted wastewater treatment facility for treatment and disposal. Johnson Utilities, L.L.C. shall ensure that the water is treated in compliance with the Aquifer Protection Permit issued for the wastewater treatment facility. Johnson Utilities, L.L.C. shall complete removal of the referenced standing water in Queen Creek no later than 25 (twenty-five) calendar days from receipt of this Order. During the time of pumping pursuant to this Order, maintain or replace the signs posted pursuant to ADEQ's letter to Johnson Utilities dated May 22, 2008 so they are visible to the public at access points to the standing water in Queen Creek.

JU has serious concerns that compliance with the Compliance Order will cause a substantial disruption in the operation of the Pecan WRP and will cause JU to exceed discharge limits associated with its ADEQ-issued aquifer protection permit ("APP") for the Pecan WRP. Specifically, JU has the following concerns regarding the compliance actions ordered:

1. Recent rainfall has added millions of gallons of additional storm water runoff to Queen Creek Wash. Requiring JU to pump tens of millions of gallons of standing storm water runoff into the Pecan WRP in a 21-day period will overload the approved hydraulic capacity of the Pecan WRP, disrupting the normal operations of the plant and likely causing JU to exceed discharge limits contained in the ADEQ-issued APP for the plant. Moreover, if the Pecan WRP is overloaded hydraulically, sewage would back up within JU's service area. This, in turn, could cause serious health and safety issues in the subdivisions served by the Pecan WRP.

2. The standing water in Queen Creek Wash contains significant levels of silt and mud (collectively, "Grit"), especially as a result of the recent storm water runoff entering the wash from the adjacent Pecan Creek subdivisions and upstream areas. The Pecan WRP was not designed or equipped to remove excessive amounts of Grit since the plant was not intended to process storm water runoff. The introduction of a large amount of Grit from the standing storm water in Queen Creek Wash will damage the Pecan WRP and will cause operational problems at the plant. This, in turn, could cause serious health and safety issues in the subdivisions served by the Pecan WRP.

3. The standing storm water in Queen Creek Wash contains trash and debris that would likely cause damage to the Pecan WRP, including clogging of the lift station pumps. This, in turn, could cause serious health and safety problems in the subdivisions served by the Pecan WRP.

Arizona Department of Environmental Quality
Office of Administrative Counsel
Attn: Judith Fought, Hearing Administrator
July 17, 2008
Page 3

For the reasons set forth above, compliance with ADEQ's Compliance Order poses risks to the public health and safety and would place the Pecan WRP out of compliance with its APP. As a result, JU feels compelled to request a hearing on the Compliance Order.

In addition to the concerns set forth above regarding potential disruption and harm to the Pecan WRP, JU believes that the Compliance Order places an unfair burden on JU to address the problem of standing storm water in Queen Creek Wash. An ADEQ inspector reported an estimated 8,000,000 gallons of standing storm water within Queen Creek Wash at the time of the SSO in May 2008. ADEQ estimated the SSO at approximately 10,000 total gallons of raw untreated sewage which flowed through a concrete spillway toward Queen Creek Wash. JU personnel estimated the SSO at a maximum of approximately 6,000 total gallons, and believe that little if any of the sewage actually reached the standing storm water in Queen Creek Wash. Regardless of which estimate is correct, there is no doubt that with the passage of two months since the SSO and the addition of millions of gallons of new surface water runoff into Queen Creek Wash, the SSO has been largely if not completely diluted at this point. Thus, JU believes that it is unfair and inappropriate to require JU to process tens of millions of gallons of standing storm water in Queen Creek Wash (with more sure to come with the summer monsoons) when the OSS was—if it ever even reached the wash—only a small fractional percent of the total volume in the wash today.

The accumulation of storm water in this area of the Queen Creek Wash has been ongoing and present for many years, and is in no way related to the operations of JU. An ADEQ inspector noted what he described as a "lake" within the Queen Creek Wash during prior inspections. The accumulation of storm water in the wash is the result of poor subdivision design and poor oversight by Pinal County and other regulators. The removal and control of the storm water is the responsibility of Pinal County and/or the developers of the adjacent subdivisions. JU was not involved in the development of the adjacent subdivision and is not responsible for the removal of the storm water.

In addition, JU believes that the presence of Escherichia coli ("E.coli") and Fecal coliforms in standing storm water is common and widespread in bodies of standing water in Pinal and Maricopa Counties. On July 14-15, 2008, JU personnel took samples from standing water bodies at six locations in Pinal and Maricopa Counties and had those samples tested for E.coli and Fecal coliforms at Legend Technical Services of Arizona, Inc., an Arizona state certified testing laboratory. The test results showed levels of E.coli and/or Fecal coliforms at each of the six locations that exceed the applicable limits for partial body contact. A copy of the lab test results is attached to this letter, and the results are summarized in the following table:

Arizona Department of Environmental Quality
Office of Administrative Counsel
Attn: Judith Fought, Hearing Administrator
July 17, 2008
Page 4

E. COLI AND FECAL COLIFORM TEST RESULTS AT LOCATIONS IN PINAL AND MARICOPA COUNTIES		
SAMPLE DATE	SAMPLE LOCATION	SAMPLE RESULTS
7/15/2008	Retention basin adjacent to the Pinal County Sheriff's substation at the intersection of Hunt Highway and Arizona Farms Road (Sample ID: <u>AZ Farms & Hunt Hwy</u>)	ECQ = 7.4 MPN Fecal = 17,200 CFU
7/15/2008	Retention basin located on the west side of Felix Road approximately 1.5 miles south of Arizona Farms Road (Sample ID: <u>Retention Area</u>)	ECQ = 2,419.6 MPN Fecal = 11,800 CFU
7/15/2008	Gila River bed where it crosses Attaway Road (Sample ID: <u>Gila River</u>)	ECQ = 42 MPN Fecal = 950 CFU
7/14/2008	Queen Creek Wash at the current gravel mining operation approximately 1.25 miles immediately upstream from the Pecan WRP (Sample ID: <u>SW</u>)	ECQ = 165.8 MPN Fecal = 10,400 CFU
7/15/2008	Indian Bend Greenbelt on the north side of Shea Road at approximately 52nd Street (Sample ID: <u>City of Phoenix Wash 1</u>) [Maricopa County]	ECQ = >2,419.6 MPN Fecal = >20,000 CFU
7/15/2008	Indian Bend Greenbelt on the north side of Shea Road at approximately 52nd Street (Sample ID: <u>City of Phoenix Wash 2</u>) [Maricopa County]	ECQ = 770.1 MPN Fecal = 10,700 CFU

The Compliance Order alleges: (i) a violation of A.R.S. § 49-255-01(A) for the addition of a pollutant to navigable waters from a point source without a permit; (ii) a violation of A.R.S. § 49-241(B)(9) for the discharge of untreated sewage without an aquifer protection permit; and (iii) a violation of the numeric surface water quality standard for E.coli. JU disputes that Queen Creek Wash is a navigable water of the United States. Moreover, JU believes that the evidence indicates that the SSO did not reach Queen Creek Wash, or that if it did, the amount of sewage that contacted the standing water in the wash was *de minimus*, and caused no injury to anyone. Further, based on the test results which JU has obtained to date from other locations as described above, JU believes that E.coli and Fecal coliforms in standing water in Pinal County is a

Arizona Department of Environmental Quality
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Attn: Judith Fought, Hearing Administrator
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Page 5

common occurrence endemic in both Counties, and that the SSO did not cause an exceedance of the limit for E.coli.

Pursuant to Section IV(A) of the Compliance Order, JU has a right to a hearing before an administrative law judge to contest the Compliance Order provided that JU files a notice of appeal or request for hearing within thirty days of receipt of the Compliance Order. This letter constitutes JU's Notice of Appeal and Request for Hearing under Section IV of the Compliance Order and Title 41, Chapter 6, Article 10 of Arizona Revised Statutes, Administrative Appeals. JU has recited herein certain of its reasons for requesting a hearing on the Compliance Order just received. This recitation is not intended to be an exhaustive list of all of JU's issues, and JU reserves the right to supplement this Notice of Appeal and Request for Hearing with additional information and data as it becomes available.

Finally, JU hereby requests an informal settlement conference with ADEQ, pursuant to A.R.S. § 41-1092.06, in order that JU may discuss with ADEQ the concerns with the Compliance Order as set forth above. JU would also request that the appropriate representative from Pinal County be present to address the ongoing storm water accumulation problem in this stretch of the Queen Creek Wash.

JU's business address for all communications in this matter is:

Johnson Utilities, L.L.C.
Attn: Brian Tompsett
5230 East Shea Boulevard
Scottsdale Arizona 85254-4750

JU will await ADEQ's contact to schedule an informal settlement conference to discuss the Compliance Order, and look forward to working with ADEQ expeditiously to resolve the Compliance Order.

Very truly yours,

SNELL & WILMER


Jeffrey W. Crockett

JWC:gb

Snell & Wilmer
LLP

Arizona Department of Environmental Quality
Office of Administrative Counsel
Attn: Judith Fought, Hearing Administrator
July 17, 2008
Page 6

Copies of the foregoing letter mailed via
first class mail this 16th day of July, 2008, to:

Joan Card, Director
Water Quality Division
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, Arizona 85007

Tamara Huddleston, Esq.
Chief Counsel, Environmental Enforcement Section
Arizona Attorney General's Office
1275 West Washington Street
Phoenix, Arizona 85007

Pinal County Health & Human Services Department
Attn: Elizabeth Garcia, Assistant County Manager
P. O. Box 868
Florence, Arizona 85232

Steve Olea, Assistant Director
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Ken Greenberg
Water Division (WTR-7)
Environmental Protection Agency-Region IX
75 Hawthorne Street
San Francisco, California 94105

Brian Tompsett, Executive Vice President
Johnson Utilities, L.L.C.
5230 East Shea Boulevard
Scottsdale, Arizona 85254-4750

-----Original Message-----

From: Lisa Sutherland [mailto:lsutherland@legend-group.com]

Sent: Thursday, July 17, 2008 10:35 AM

Subject: 7/15

AZ Farms & Hunt Hwy ECQ= 7.4 MPN
AZ Farms & Hunt Hwy Fecal= 17200 CFU

Retention Area ECQ= 2419.6 MPN
Retention Area Fecal= 11800 CFU

Gila River ECQ= 42 MPN
Gila River Fecal= 950 CFU

Thank you,

Lisa Sutherland

Client Services Manager

ACCESS AND CHECK THE STATUS OF YOUR DATA VIA THE INTERNET 24 HOURS/DAY, 7 DAYS/WEEK
CONTACT ME TO SET UP YOUR LOG-IN AND PASSWORD TODAY!!!

Legend Technical Services of Arizona, Inc.
17631 N. 25th Avenue
Phoenix, AZ 85023
602-324-6110 direct line
legend-group.com
602-324-6101 fax
lsutherland@legend-group.com

CONFIDENTIALITY NOTICE:

If you have received this e-mail in error, please immediately notify the sender by the address shown. This e-mail transmission may contain confidential information. This information is intended only for the use of the individual(s) or entity to whom it is intended even if addressed incorrectly. Please delete it from your files if you are not the intended recipient.

Thank you for your compliance.

-----Original Message-----

From: Lisa Sutherland [mailto:lsutherland@legend-group.com]

Sent: Tuesday, July 15, 2008 5:08 PM

Subject: 7/14

SW Fecal MF= 10400 CFU

SW ECQ MPN= 165.8 MPN

Thank you,

Lisa Sutherland

Client Services Manager

ACCESS AND CHECK THE STATUS OF YOUR DATA VIA THE INTERNET 24 HOURS/DAY, 7 DAYS/WEEK
CONTACT ME TO SET UP YOUR LOG-IN AND PASSWORD TODAY!!!

Legend Technical Services of Arizona, Inc.

17631 N. 25th Avenue

Phoenix, AZ 85023

602-324-6110 direct line

legend-group.com

602-324-6101 fax

lsutherland@legend-group.com

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Thank you for your compliance.

-----Original Message-----

From: Lisa Sutherland [mailto:lsutherland@legend-group.com]
Sent: Thursday, July 17, 2008 10:44 AM

Subject: 7/15

City of Phoenix Wash 1 ECQ= >2419.6 MPN
City of Phoenix Wash 1 Fecal= >20,000 CFU

City of Phoenix Wash 2 ECQ= 770.1 MPN
City of Phoenix Wash 2 Fecal= 10,700 CFU

Thank you,
Lisa Sutherland
Client Services Manager
ACCESS AND CHECK THE STATUS OF YOUR DATA VIA THE INTERNET 24 HOURS/DAY, 7 DAYS/WEEK
CONTACT ME TO SET UP YOUR LOG-IN AND PASSWORD TODAY!!!

Legend Technical Services of Arizona, Inc.
17631 N. 25th Avenue
Phoenix, AZ 85023
602-324-6110 direct line
legend-group.com
602-324-6101 fax
lsutherland@legend-group.com

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Thank you for your compliance.

Attachment 9



BEFORE THE DIRECTOR OF THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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In the Matter of:

Pecan Water Reclamation Plant
located at 28539 North Gantzel Road,
Queen Creek
Pinal County, Arizona
Place ID 18583

CONSENT ORDER

Docket No. P-57-08

To: Johnson Utilities, L.L.C. ("Johnson Utilities") in its capacity as owner/operator of Pecan Water Reclamation Plant ("Pecan WRP") located at at 28539 North Gantzel Road, Queen Creek, Pinal County, Arizona.

RECITALS

Johnson Utilities acknowledges that no promise of any kind or nature whatsoever was made to induce it to enter into this Consent Order, and it has done so voluntarily.

Johnson Utilities acknowledges that by entering into this Consent Order, it does not resolve any liability it may have for civil penalties for violations of any State or Federal environmental law.

By entering into this Consent Order, Johnson Utilities does not admit to any civil or criminal liability, or waive any right including but not limited to the assertion of any defense available to Johnson Utilities under applicable law. Further, Johnson Utilities does not admit, and both the Arizona Department of Environmental Quality ("ADEQ") and Johnson Utilities retain the right to controvert in any subsequent proceeding, except a proceeding to implement or enforce this Consent Order, the validity of any Findings of Fact or Conclusions of Law contained in this Consent Order.

Initials

1 The undersigned representative of Johnson Utilities certifies that he is fully authorized to
2 execute this Consent Order on behalf of Johnson Utilities and to legally bind Johnson Utilities to
3 this Consent Order.

4 Except as to the right to contest jurisdiction or controvert the validity of any Findings of
5 Fact or Conclusion of Law contained in this Consent Order in a proceeding other than to enforce
6 this Consent Order, Johnson Utilities consents to the terms and entry of this Consent Order and
7 agrees not to contest the validity or terms of this Consent Order in any subsequent proceeding.

8 **THEREFORE, IT IS HEREBY ORDERED** as follows:

9 **I. JURISDICTION**

10 The Director of ADEQ has jurisdiction over the subject matter of this action and is
11 authorized to issue this Consent Order pursuant to Arizona Revised Statutes ("A.R.S.") § 49-261.

12 **II. FINDINGS**

13 **THE DIRECTOR HEREBY MAKES THE FOLLOWING FINDINGS OF FACT AND**
14 **CONCLUSIONS OF LAW:**

15 **A. Findings of Fact**

16 1. On May 17 and 18, 2008, several thousand gallons of untreated raw sewage from
17 two sanitary sewer overflows (SSOs) from the sewer collection system of the Pecan WRP flowed
18 through a spillway into Queen Creek where it combined with the standing surface water in a
19 portion of Queen Creek. Johnson Utilities does not have an Arizona Pollutant Discharge
20 Elimination System ("AZPDES") permit, or an aquifer protection permit for the discharge of
21 untreated sewage to Queen Creek.

22 2. In response to the SSOs, ADEQ issued Compliance Order no. P-57-08
23 ("Compliance Order"), dated July 14, 2008, ordering Johnson Utilities to pump the standing
24 surface water from the area of Queen Creek within the bermed former sand and gravel area east
25

1 of Gantzel Road, and convey it to a permitted wastewater treatment facility for treatment and
2 disposal.

3 3. Johnson Utilities appealed the issuance of Compliance Order no. P-57-08, and the
4 appeal is presently pending in the Office of Administrative Hearings as Case no. 08A-P057-
5 DEQ.

6 4. In settlement of its appeal of the Compliance Order, Johnson Utilities has
7 proposed a sampling and treatment plan for the affected standing water in Queen Creek as set
8 forth in Attachment A hereto ("Treatment Plan"). The Treatment Plan is acceptable to ADEQ.

9 **B. Conclusions of Law**

10 1. Because of the SSOs from the Pecan WRP, Johnson Utilities violated A.R.S. §
11 49-255.01(A), which prohibits the addition of pollutants to navigable waters from a point source
12 without an AZPDES permit, and A.R.S. § 49-241(B)(9), which prohibits such discharges without
13 an Aquifer Protection Permit issued pursuant to Article 3 of Chapter 2 of Title 49, A.R.S.

14 **III. COMPLIANCE SCHEDULE**

15 **THE DIRECTOR HEREBY ORDERS** and Johnson Utilities agrees to comply with the
16 provisions of this Consent Order as follows:

17 Johnson Utilities shall, within 72 hours of the issuance of this Consent Order, commence
18 implementation of the Treatment Plan as set forth in Attachment A. Treatment of the standing
19 water shall continue until the sampling set forth in the Treatment Plan shows that the Arizona
20 surface water quality standard for E.coli has been met. Johnson Utilities shall provide ADEQ
21 with at least 24 hours notice of any sampling pursuant to the Treatment Plan and shall allow
22 ADEQ to take split samples upon its request.

23 **IV. STATUS REPORTS**

24 A. Johnson Utilities agrees to submit a written status report to ADEQ every fifteen
25 (15) calendar days beginning fifteen (15) days from the effective date of this Consent Order

1 until termination of this Consent Order. Each written status report shall describe what measures
2 have been taken under Section III of this Consent Order, and shall certify when compliance with
3 the requirements of Section III of this Order has been achieved. Each report shall be
4 accompanied by evidence of compliance including, as appropriate, submittal of documents,
5 photographs or copies of any other supporting information that Johnson Utilities deems
6 necessary.

7 B. ADEQ will review the status reports and relay any disputes in writing to Johnson
8 Utilities. Johnson Utilities shall incorporate all required modifications, changes or other
9 alterations, as requested by ADEQ, within a reasonable time specified by ADEQ.

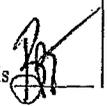
10 **V. VIOLATIONS OF CONSENT ORDER/STIPULATED PENALTIES**

11 A. Under A.R.S. § 49-262, violation of this Consent Order subjects Johnson Utilities
12 to civil penalties of up to \$25,000 per day per violation. ADEQ and Johnson Utilities agree that
13 the calculation of civil penalties for violation of this Consent Order would be very difficult.

14 B. ADEQ and Johnson Utilities therefore agree that if Johnson Utilities fails to
15 comply with any requirement of this Consent Order, Johnson Utilities shall pay a stipulated
16 penalty pursuant to the schedule below:

<u>Period of Failure to Comply</u>	<u>Penalty Per Day of Violation</u>
18 1 st to 30 th day	\$2,000 per day per violation
19 31 st to 60 th day	\$3,000 per day per violation
20 After 60 days	\$5,000 per day per violation

21 C. Except as otherwise provided herein, stipulated penalties shall begin to accrue on
22 the day that performance is due or that a violation of this Consent Order occurs and shall
23 continue to accrue until correction of the act of noncompliance is completed. Neither issuance
24 by ADEQ nor receipt by Johnson Utilities of a Notice of Violation of the terms and conditions of
25 this Consent Order are conditions precedent to the accrual of stipulated penalties.

Initials 

1 D. Stipulated penalty payments shall be made pursuant to a civil settlement (e.g.,
2 Consent Judgment) with ADEQ filed in a court of competent jurisdiction. If ADEQ and Johnson
3 Utilities are unable to reach agreement for payment of stipulated penalties under a civil
4 settlement, or if Johnson Utilities fails to make payment of stipulated penalties due under a civil
5 settlement, ADEQ may file a civil action seeking the maximum civil penalty allowed under
6 Federal or State law for violation of this Consent Order.

7 E. The stipulated penalties required by this Consent Order shall be in addition to
8 other remedies or sanctions available to ADEQ by reason of any failure by Johnson Utilities to
9 comply with the requirements of Federal or State laws. The payment of stipulated penalties shall
10 not relieve Johnson Utilities from compliance with the terms and conditions of this Consent
11 Order or Federal or State laws, nor limit the authority of the State to require compliance with the
12 Consent Order or State law.

13 **VI. COMPLIANCE WITH OTHER LAWS**

14 A. This Consent Order does not encompass issues regarding releases, contamination,
15 sources, operations, facilities or processes not expressly covered by the terms of this Consent
16 Order, and is without prejudice to the rights of the State of Arizona or Johnson Utilities arising
17 under any federal or Arizona environmental statutes and rules with regard to such issues.

18 B. Nothing in this Consent Order shall constitute a permit of any kind, or a
19 modification of any permit of any kind, or an agreement to issue a permit of any kind under
20 federal, state or local law, or relieve Johnson Utilities in any manner of its obligation to apply
21 for, obtain, and comply with all applicable permits. Nothing in this Consent Order shall in any
22 way alter, modify or revoke federal, state, or local law, or relieve Johnson Utilities in any manner
23 of its obligation to comply with such laws. Compliance with the terms of this Consent Order
24 shall not be a defense to any action to enforce any such permits or laws.

25

1 **VII. FORCE MAJEURE**

2 A. Johnson Utilities shall perform all the requirements of this Consent Order
3 according to the time limits set forth herein, unless performance is prevented or delayed by
4 events which constitute a *force majeure*. *Force majeure*, for the purposes of this Consent Order,
5 is defined as any event, arising from causes beyond the control of Johnson Utilities or its
6 authorized representatives which delays or prevents the performance of any obligation under this
7 Consent Order and which could not have been overcome or prevented by Johnson Utilities. The
8 financial inability of Johnson Utilities to comply with the terms of this Consent Order, shall not
9 constitute a *force majeure*.

10 B. In the event of a *force majeure*, the time for performance of the activity affected
11 by the *force majeure* shall be determined by ADEQ and extended for a period no longer than the
12 delay caused by the *force majeure*. The time for performance of any activity dependent on the
13 delayed activity shall be similarly extended. In the event of a *force majeure*, Johnson Utilities
14 shall notify ADEQ in writing within five (5) calendar days after Johnson Utilities or its agents
15 become aware of the occurrence. The written notice provided to ADEQ shall describe in detail
16 the event, the anticipated delay, the measures taken and to be taken by Johnson Utilities to
17 prevent or minimize delay, and a proposed timetable under which those measures will be
18 implemented. Johnson Utilities shall take all reasonable measures to prevent or minimize any
19 delay caused by the *force majeure*. Failure of Johnson Utilities to comply with any requirements
20 of this paragraph for a particular event shall preclude Johnson Utilities from asserting any claim
21 of *force majeure* for that event.

22 **VIII. SITE ACCESS**

23 ADEQ may at any time, upon presentation of credentials to authorized personnel on duty,
24 enter upon the former sand and gravel area east of Gantzel Road in Queen Creek, for the purpose
25 of observing and monitoring compliance with the provisions of this Consent Order. This right of

1 entry shall be in addition to, and not in limitation of or substitution for, ADEQ's rights under
2 applicable law.

3 **IX. CORRESPONDENCE**

4 All documents, materials, plans, notices, or other items submitted as a result of this
5 Consent Order shall be transmitted to the addresses specified below:

6 To ADEQ:

7 Arizona Department of Environmental Quality
8 Water Quality Enforcement Section
9 Attention: Cynthia S. Campbell, Section Manager
10 1110 West Washington Street
11 Phoenix, Arizona 85007-2935
12 Telephone: (602) 771-2209
13 Email: csc@azdeq.gov

14 To Johnson Utilities:

15 Johnson Utilities, L.L.C.
16 Attention: Brian Tompsett
17 5230 East Shea Blvd.
18 Scottsdale, AZ 85254

19 Submissions to ADEQ as a result of this Consent Order shall be deemed submitted upon receipt.

20 **X. RESERVATION OF RIGHTS**

21 A. This Consent Order is based solely upon currently available information. If
22 additional information is discovered, which indicates that the actions taken under this Consent
23 Order are or will be inadequate to protect human health, safety, or the environment, or to
24 conform with applicable federal or state laws, ADEQ shall have the right to require further
25 action.

26 B. ADEQ shall have the right: to pursue civil penalties for any and all violations of
27 A.R.S. Title 49, or the rules promulgated thereunder, occurring before entry of this Consent
28 Order; to disapprove of work performed by Johnson Utilities that fails to comply with this
29 Consent Order; to take enforcement action for any and all violations of this Consent Order; and

1 to take enforcement action for any and all violations of A.R.S. Title 49, or the rules promulgated
2 thereunder, occurring after the entry of this Consent Order.

3 **XI. SEVERABILITY**

4 The provisions of this Consent Order are severable. If any provision of this Consent
5 Order is declared by a court of law to be invalid or unenforceable, all other provisions of this
6 Consent Order shall remain in full force and effect.

7 **XII. MODIFICATIONS**

8 Any modifications of this Consent Order shall be in writing and must be approved by
9 both Johnson Utilities and ADEQ.

10 **XIII. EFFECTIVE DATE**

11 The effective date of this Consent Order shall be the date this Consent Order is signed by
12 ADEQ and Johnson Utilities. If such signatures occur on different dates, the later date shall be
13 the effective date of this Consent Order.

14 **XIV. PARTIES BOUND**

15 No change in ownership, corporate status, or partnership status relating to the subject of
16 this Consent Order will in any way alter the responsibilities of Johnson Utilities under this
17 Consent Order. Johnson Utilities will be responsible, and will remain responsible, for carrying
18 out all activities required under this Consent Order.

19 **XV. EFFECT OF ORDER**

20 This Consent Order supersedes Compliance Order No. P-57-08, which is hereby
21 withdrawn. ADEQ and Johnson Utilities shall promptly execute all documents necessary to
22 dismiss the Johnson Utilities appeal of the Compliance Order in the Office of Administrative
23 Hearings, docket number 08A-P057-DEQ, with each party to bear its own attorneys' fees and
24 costs in that action.

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XVI. TERMINATION

The provisions of this Consent Order shall be deemed satisfied and this Consent Order shall be terminated upon receipt of written notification from ADEQ that Johnson Utilities has demonstrated, to the satisfaction of ADEQ, that all of the terms of this Consent Order have been completed. Any denial of a request for termination from Johnson Utilities will be in writing and describe which terms of the Consent Order have not been completed to the satisfaction of ADEQ.

ISSUED this 3rd day of September, 2008.

Joan Card
Joan Card, Director
Water Quality Division
Arizona Department of Environmental Quality

CONSENT TO ORDER

The undersigned, on behalf of Johnson Utilities, hereby acknowledges that he has read the foregoing Consent Order in its entirety, agrees with the statements made therein, consents to its entry and issuance by the Arizona Department of Environmental Quality, agrees that Johnson Utilities will abide by the same, and waives any right to appeal therefrom.

DATED this 10th day of SEPTEMBER, 2008.

Brian P. Tompsett
Brian Tompsett
Executive Vice President
Johnson Utilities, L.L.C.

Initials BT

1 ORIGINAL of the foregoing Consent Order was sent certified mail, return receipt requested,
this 15 day of September, 2008, to:

2 Gary A. Drummond, Statutory Agent
3 2525 East Arizona Biltmore Circle #117
4 Phoenix, Arizona 85016

5 COPY of the foregoing Consent Order was sent certified mail, return receipt requested, this 15
day of September, 2008, to:

6 Johnson Utilities, L.L.C.
7 Attention: Brian Tompsett
8 5230 East Shea Blvd.
9 Scottsdale, AZ 85254

10 COPY of the foregoing Consent Order was filed this 15 day of September, 2008, with:

11 Arizona Department of Environmental Quality
12 Office of Administrative Counsel
13 Attention: Judith Fought, Hearing Administrator
14 1110 West Washington Street
15 Phoenix, Arizona 85007-2935

16 COPIES of the foregoing Consent Order were sent by regular/interdepartmental mail, this 15
17 day of September, 2008, to the following

18 Tamara Huddleston, Chief Counsel, Environmental Enforcement Section
19 Arizona Attorney General's Office

20 Joan Card, Director, Water Quality Division
21 1110 West Washington Street
22 Phoenix, Arizona 85007-2935

23 Pinal County Health & Human Services Department
24 Attention: Elizabeth Garcia, Assistant County Manager
25 P.O. Box 868
Florence, AZ 85232

Steve Olea, Assistant Director
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Ken Greenberg
Water Division (WTR-7)
Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

279897/cg

Johnson Utilities, L.L.C.

The Use of Potassium Permanganate to Disinfect Standing Stormwater in Queen Creek Wash East of Gantzel Rd

Township 05 South, Range 8 East. Section 29, NW ¼, SW ¼, SW ¼

August 2008

Second Revision
August 20, 2008

Prepared for:
JOHNSON UTILITIES, LLC

Prepared by:
SPECIFIC ENGINEERING, LLC
5310 E. Shea Blvd.
Scottsdale, AZ 85254
(480) 596-6335

The Use of Potassium Permanganate to Disinfect Standing Stormwater in Queen Creek Wash East of Gantzel Rd

Johnson Utilities is submitting this plan to provide a public service by treating standing stormwater accumulated in the Queen Creek Wash east of Gantzel Road. This will be a one-time service and any short or long-term remedies to address the problem of standing stormwater in the wash will be the responsibility of Pinal County and/or the owner of the property.

Potassium Permanganate

Potassium permanganate (KMnO_4) is a chemical oxidizing agent that will react with any organic matter in standing stormwater including algae, bacteria, particulate and dissolved organic and organic bottom sediments. It has been used in fish ponds to treat common fish pathogens such as gill parasites and external bacterial and fungal infections.¹ Additionally, it is widely used to disinfect community water ponds and wells, as well as to disinfect the mouth before tooth extraction. It is not listed as hazardous waste and does not exhibit any hazardous characteristic regulated under 40 CFR 261.21-261.24.² Further, it is not listed as a pollutant in either ADEQ's surface water or groundwater regulations, Arizona Administrative Code, Title 18, Chapter 11, Articles 1 and 4, respectively.

Treatment Rate

Common treatment rates are 2 - 4 parts per million (ppm) or milligrams per liter (mg/L) for a pond application. Actual treatment rates in standing stormwater will vary depending on the amount of organic matter, or organic load, in the water.

Estimation of Water Volume

It is important to properly estimate water volume to achieve both a cost-effective and biologically effective treatment. Underestimating water volume will result in an insufficient concentration of chemical, and retreatment would be necessary. Overestimating water volume can result in a greater-than-desired concentration of chemical, and may injure or even kill fish. It should, however, be noted that there are no known fish in this standing stormwater and there is no reasonable probability that there will ever be fish. Volume is measured in acre-feet (surface acreage multiplied by the average water depth in feet). One acre-foot is equal to one surface acre with a depth of one foot.

Estimating the standing stormwater volume is based on the topography of the site and the actual elevation of the water surface. Attached is a drawing of the site showing the water elevation at 1454.62 feet above mean sea level as of August 8, 2008. The elevation was surveyed by Jim Heet, Registered Land Surveyor, No. 34554. Also attached are the engineering calculations indicating that the volume of the standing stormwater is approximately 4,316,814 gallons.

Determine Permanganate Demand (Bench Test)

The method to estimate the amount of potassium permanganate required for effective treatment is to determine the potassium permanganate demand or amount of chemical required to react with all the organic matter in a water sample. This procedure measures the 15-minute demand. This value is then multiplied by 2 to give the recommended treatment rate. The 15-minute demand is determined as follows:

1. Prepare a 1,000 mg/L stock solution by adding 1,000 milligrams or 1 gram of potassium permanganate to 1 liter of distilled water and mix thoroughly.
2. Collect five 1-liter samples of the standing stormwater. In order to derive the optimal dosage, at least two water column samples (entire water column depth) should be obtained from the standing stormwater.
3. Prepare a series of test treatments. Add 2, 4, 6, 8, and 10 milliliters (mL) of the stock solution (prepared in Step 1) into the five 1-liter samples. Mix thoroughly.
4. Wait 15 minutes.
5. The test treatment that has the slightest faint pink color after 15 minutes is the correct 15-minute potassium permanganate demand. If there is a question as to which rate has a faint pink color, choose the lower treatment rate.
6. Multiply the 15-minute demand treatment by 2 to get the proper treatment rate for the standing stormwater.

Example:

A series of 1-liter standing stormwater samples were treated with potassium permanganate stock solution. After 15 minutes, the 2 mg/L treatment turned brown, but the 4 mg/L treatment still had a faint pink color. The 4 mg/L treatment is therefore the 15-minute demand. Multiplying the 4 mg/L demand treatment by 2 gives a recommended pond treatment rate of 8 mg/L.

Calculation of Potassium Permanganate Required

1 ppm (or 1 mg/L) is equal to 2.7 pounds of dry chemical per acre-foot of water. A calculation to determine the amount of potassium permanganate required to treat standing stormwater at a 2 mg/L concentration follows:

The estimated standing stormwater area is 4.47 acres with an average depth of 2.96 feet.

1. $4.47 \text{ acres} \times 2.96 \text{ foot average depth} = 13.23 \text{ acre-feet of water.}$
2. $13.23 \text{ acre-feet} \times 2.7 \text{ lbs/acre-foot} = 36 \text{ lbs of potassium permanganate to obtain a concentration of 1 mg/L in the standing stormwater.}$
3. $36 \text{ lbs of potassium permanganate} \times 2 = 72 \text{ lbs of potassium permanganate to obtain a concentration of 2 mg/L in the standing stormwater.}$

A 2 mg/L treatment is usually effective for standing stormwater with relatively clear water. Potassium permanganate reacts with organic matter and becomes neutralized and unavailable to treat the target pathogens. The greater the amount of organic matter in standing stormwater, the

more potassium permanganate required to achieve the desired chemical concentration. Therefore, standing stormwater with moderate to heavy algae blooms will require a higher treatment rate to neutralize the organic matter in the standing stormwater and still achieve the desired concentration of 2 mg/L.

Chemical Application

Potassium permanganate is commercially available in crystal or powder form. It may be mixed with water before use or broadcast evenly as a solid. A boat will be used for distributing the chemical. Uniform application must be achieved over the entire standing stormwater surface. On shore personnel will provide direction to the boat operators to ensure they disburse the KMnO_4 evenly over the standing stormwater. The on shore personnel will use a map of the standing stormwater with an over-laying grid to direct the boat operators to navigate over the entire surface. The boat operators will evenly disburse the KMnO_4 while navigating the entire surface.

For small ponds (less than an acre) application of the chemical can be achieved by broadcasting over the surface of the pond while walking around the pond. The process is repeated until the entire required chemical is added to the pond

The treatment begins with an application of potassium permanganate to obtain the concentration as determined in the bench test. If the standing stormwater remains pink to purple in color for 8 hours, then an effective treatment is assumed to have occurred, and no additional chemical is required. However, if within the 8-hour period, the standing stormwater turns brown, then an immediate additional treatment of $\frac{1}{2}$ the last dosage is required. This is repeated until the standing stormwater remains pink to purple for 8 hours. It is recommended that treatment begin in the morning so that the standing stormwater can be watched for the next 8-hour period, and any color change can be easily detected.

Sampling

Upon completion of the treatment, four (4) samples will be taken for E. coli testing in accordance with the attached Sampling and Analysis Plan, August 2008. One (1) sample will be taken at each of the north, south, east, and west sampling locations of the standing stormwater. Three additional sets of samples will be taken at least 24 hours apart.

All sampling, preservation and holding times will be in accordance with currently accepted standards of professional practice. Trip blanks, equipment blanks and duplicate samples will also be obtained, and chain of custody procedures will be followed, in accordance with currently accepted standards of professional practice. Johnson Utilities will use the ADEQ approved Sampling And Analysis Plan (SAP) for this project and EPA 40 CFR PART 136 for guidance in this regard. Copies of laboratory analyses and chain of custody forms shall be maintained at the permitted facility. Copies of these documents will be made immediately available for review by ADEQ personnel.

All samples collected for compliance monitoring shall be analyzed using Arizona state approved methods. Analyses shall be performed by a laboratory licensed by the Arizona Department of

Health Services, Office of Laboratory Licensure and Certification. For results to be considered valid, all analytical work shall meet quality control standards specified in the approved methods.

Treatment shall be deemed successful if the E. coli results from the samples meet the numeric standard for E. coli for the designated use of partial body contact (PBC), A.A.C, R18-11-109 (A). The standard requires that E. coli shall not exceed a geometric mean (four sample minimum) of 126 cfu/100 mL and a single sample maximum of 576 cfu/100 m.

Best Management Practice

Johnson Utilities will follow the best management practice set forth below:

- Potassium permanganate is a strong oxidizer and can burn skin, eyes, and other body parts. Johnson Utilities' employees will use safety protective gear including sterile rubber gloves, goggles and old clothes. A dust mask will be worn to prevent irritation to the respiratory tract.
- Johnson Utilities' employees will take special care to disperse the chemical evenly over the entire standing stormwater to prevent hot spots, areas of the standing stormwater with excessive amounts of chemical.
- Johnson Utilities' employees will review the attached Material Safety Data Sheet for potassium permanganate to prepare for the treatment process.

¹ University of Florida, IFAS Extension, *The Use of Potassium Permanganate in Fish Ponds*, 1992

² FaxBack # 11628, United States Environmental Protection Agency, July 12, 1991

Johnson Utilities, L.L.C.

SAMPLING AND ANALYSIS PLAN

Queen Creek Wash

Township 05 South, Range 8 East. Section 29, NW ¼, SW ¼, SW ¼

August 2008

Second Revision
August 20, 2008

Prepared for:
JOHNSON UTILITIES, LLC

Prepared by:
SPECIFIC ENGINEERING, LLC
5310 E. Shea Blvd.
Scottsdale, AZ 85254
(480) 596-6335

SAMPLING AND ANALYSIS PLAN

Queen Creek Wash

Township 05 South, Range 8 East. Section 29, NW ¼, SW ¼, SW ¼

This sampling and analysis plan (SAP) describes the procedures and rationale for the collection of samples and submittal of these samples for analysis. For this portion of the Queen Creek wash, the designated beneficial uses are: Aquatic and Wildlife (Effluent Dominated Waters), and Partial Body Contact.

The purpose of this SAP is to describe the sample location, sample collection procedures, sample preparation, analysis to be performed, and submittal procedures. This SAP was prepared in accordance with ADEQ's *Surface Water Data Submittal Guidance* Document, May 2004, and *40 CFR 136-Guidelines Establishing Test Procedures for the Analysis of Pollutants*. Specific details for chemical analysis, quality control, and documentation are contained in the laboratory's Quality Assurance Plan (QAP) and the Standard Methods.

1.0 SAMPLING LOCATIONS

Four sampling locations have been proposed as part of this study. The sample locations were established to best characterize and establish water quality of the standing stormwater in Queen Creek wash. Results from these samples will indicate if the standing stormwater meets the numeric surface water quality standards for E. coli.

Upon completion of the treatment, a single sample will be taken at each of the locations identified in Table 1. Three additional sets of samples will be taken at least 24 hours apart.

Sampling Point	Latitude	Longitude
North	33° 13' 53.84" N	-111° 33' 34.75" W
South	33° 13' 52.01" N	-111° 33' 34.72" W
East	33° 13' 53.32" N	-111° 33' 30.90" W
West	33° 13' 52.64" N	-111° 33' 39.59" W

Sample Identification

As shown on the attached figures, each approximate sample location has been pre-identified. This signification will be used in the sample ID. The sample ID will thus contain the name of the wash, Queen Creek, followed by the sampling point name.

2.0 DATA ASSURANCE AND QUALITY CONTROL

All data assurance and quality control for this SAP is covered by this document, the referenced Standard Methods, and the laboratory's QAP. No field duplicates will be collected; however, sufficient volume of sample will be collected, per laboratory discretion, to accommodate

laboratory's QAP. One field blank and one trip blank will be collected for each sampling event. This SAP was developed to assure the quality of samples collected and transport as well as the quality of data gathered in the field to attain the projects objectives accurately and efficiently.

3.0 GENERAL SAMPLE COLLECTION

A field notebook will be used to log the sampling events. Should a significant modification to these sampling procedures be required as a consequence of unforeseen field conditions, these modifications will be documented in the field notebook. The sampling events will be photographed.

Sample Integrity and Decontamination

Precautions will be taken to protect the integrity of the samples. Sample technicians will wear sterile gloves and change into a new pair prior to each sample location. Gloves will protect the sampler from potential impacts from the samples. In addition, the gloves will maintain sample integrity by preventing cross contamination between the sampler and actual sample collected and between each sample location.

Standard decontamination procedures will be followed between each sampling location. Decontamination of sampling equipment will prevent impacts from previous sampling points adversely affecting results at another sampling location. This SAP discusses the specific decontamination protocol as it pertains to the sample type in the following sections.

4.0 WATER QUALITY SAMPLING

Water samples will be collected and submitted for chemical analysis in accordance with this SAP, referenced Standard Methods, and the laboratory's QAP.

Sample Analysis

As presented in Table 1, four water sample locations have been proposed for each sampling event. The water samples will be analyzed in accordance with the following approved methods. Table two presents the water parameter list developed for the chemistry analysis of the stormwater in the pond. The water quality analyses to be performed are as follows:

Parameter And Units	EPA	Standard Method	Sampling Type	Holding Time	Other
E. Coli, number per 100mL	---	9221B/9221	Grab	6 hours	
	---	9223B	Grab	6 hours	Colilert
	1103.1	9222B/9222G, 9213D	Grab	6 hours	

Sample Collection Procedure

Water samples will be collected from approximately six inches below the water surface at each of the identified sampling locations. The samples will be collected at this depth to minimize intrusion of floating debris into the sample and obtain a representative sample of the water column. If the standing stormwater depth is too shallow to allow collection at six inches below

the surface, the sample will be taken near the surface to ensure no sediment is collected. Care will be taken to ensure there is no intrusion of floating debris.

A chemical resistant sampling bucket attached to a reach pole will be used to collect the sample from the shore. Wading in the standing stormwater is not permitted. This bucket will allow one complete volume of sample to be collected. The samples will be transferred into laboratory-supplied containers. Each of these containers will contain the recommended preservative, if required. The collected samples will be immediately placed in an ice chest cooled to 4 ° C for storage and subsequent transportation. All samples will be labeled as described in Section 1. The holding time for E. coli is 6 hours.

Apparatus Decontamination Protocol

The sample bucket will be brushed, washed in a biodegradable Liquid-Nox solution or other suitable detergent, and triple rinsed with de-ionized (DI) water. The bucket will be air-dried prior to use at the next sampling location.

5.0 SAMPLE TRANSPORTATION

All water quality samples collected for chemical analysis are to be immediately stored at 4 ° C in ice chests at the time of sampling. Each sample must be recorded on the chain-of-custody (COC) form during the sampling event. These samples will be hand delivered under COC procedures to Legend Technical Services of Arizona, Inc., 17631 N. 25th Avenue, Phoenix, AZ 85023. All events of delivery (i.e., time) will be recorded in the field notebook along with copies of the COCs. The holding time for E. coli is 6 hours.

REFERENCES

ADEQ (2005), *A Manual of Procedures for the Sampling of Surface Waters* (streams).

Download from ADEQ's website at:

<http://www.azdeq.gov/environ/water/assessment/download/sampling.pdf>

EPA (1996), *The Volunteer Monitor's Guide to Quality Assurance Project Plans*.

Download from EPA's website at:

<http://www.epa.gov/owow/monitoring/volunteer/qappcovr.htm>

Standard Methods (1998), *Standard Methods for the Examination of Water and Wastewater*, 20th ed., American Public Health Association, Washington, D.C.

Attachment 10



BEFORE THE DIRECTOR OF THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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In the Matter of:)
)
) **TERMINATION OF CONSENT ORDER**
)
) Pecan Water Reclamation Plant)
) located at 28539 North Gantzel Road,) **Docket No. P-57-08**
) Queen Creek)
) Pinal County, Arizona)
)
)
) Place ID 18583)
)
)

TO: Johnson Utilities, L.L.C. in its capacity as owner/operator of Pecan Water Reclamation Plant ("Pecan WRP") located at 28539 North Gantzel Road, Queen Creek, Pinal County, Arizona.

The Arizona Department of Environmental Quality is hereby terminating Consent Order, Docket No. P-57-08 issued on September 13, 2008. The Order is being terminated for the following reason(s):
Johnson Utilities, L.L.C. has demonstrated to the Arizona Department of Environmental Quality that the requirements imposed upon Johnson Utilities, L.L.C. by the Consent Order (P-57-08) have been met.
ADEQ reserves its rights to pursue further enforcement action to address the violations alleged in the Consent Order.

ISSUED this 17th day of November 2008.

Joan Card
Joan Card, Director
Water Quality Division
Arizona Department of Environmental Quality

1 ORIGINAL of the foregoing Termination of Consent was sent certified mail, return receipt
requested, this ___ day of _____, 200_, to:

2

Gary A. Drummond, Statutory Agent
2525 East Arizona Biltmore Circle #117
Phoenix, Arizona 85016 .

4

5 COPY of the foregoing Termination of Consent was sent certified mail, return receipt requested,
this ___ day of _____, 200_, to:

6

Johnson Utilities, L.L.C.
Attention: Brian Tompsett
5230 East Shea Boulevard
Scottsdale, Arizona 85254-5750

8

9 COPY of the foregoing Termination of Consent was filed this ___ day of _____, 200_,
with:

10 Arizona Department of Environmental Quality
Office of Administrative Counsel
11 Attention: Judith Fought, Hearing Administrator
1110 West Washington Street
12 Phoenix, Arizona 85007-2935

13 COPIES of the foregoing Termination of Consent were sent by regular/interdepartmental mail,
this ___ day of _____, 200_, to the following:

14

Tamara Huddleston, Chief Counsel, Environmental Enforcement Section
Arizona Attorney General's Office

15

16 Joan Card, Director, Water Quality Division
Cynthia Campbell, Manager, Water Quality Compliance Section

17

Pinal County Health & Human Services Department
18 Elizabeth Garcia, Assistant County Manager
P.O. Box 868
19 Florence, AZ 85232

19

20 Steve Olea
Arizona Corporation Commission
21 1200 West Washington Street
Phoenix, Arizona 85007

21

22

Ken Greenberg
23 Water Division (WTR-7)
U.S. Environmental Protection Agency - Region IX
24 75 Hawthorne Street
San Francisco, CA 94105

24

25

Attachment 11

JOHNSON UTILITIES, L.L.C

5230 East Shea Boulevard * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908

VIA EMAIL AND HAND DELIVERY:

John Gibbons, Manager
Water Quality Field Services Unit
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

June 13, 2008

RE: Pecan Water Reclamation Plant (WRP)
Inventory No. 105324, Place ID 18583, APP No. P105324
AZPDES Permit AZ0025445
Inspection ID No. 121176, Case No. 97512
Queen Creek Wash

Dear Mr. Gibbons:

On June 5, 2008 you emailed a copy of a Notice of Violation ("NOV") and an Inspection Report for the Pecan Water Reclamation Plant (WRP). We like to take this opportunity to answer the NOV by referenced section. Some of the sections within the NOV seem to require no response or action because they are documentation submittal deadlines. We would also like to add that we will supplementing this response within the other documentation submittal deadlines.

Section I. (1) A.R.S. 49-255.01(A)

The NOV references spills during the weekend of May 17 and May 18. It is the opinion of JU, based on observances at the site that the incident was one continuous occurrence and did not approach 10,000 gallons or more. At approximately 7:00 PM on May 17, 2008 debris was discovered in the influent pumps at the Pecan Creek wastewater plant. The debris clogged and damaged one of the pumps causing wastewater to begin backing up into the wastewater gravity system in the subdivision. At approximately 7:00 AM on May 18, 2008 the continued debris flow had once again clogged the influent pumps. By noon on Sunday, May 18, 2008, the continued debris flow once again clogged the pump. JU reported to ADEQ that it was approximately 3:00 PM on Sunday May 18, 2008 when the clean-up had been completed. The spill was reported to ADEQ on Monday May 19, 2008.

Section I. (2) A.R.S. 49-241(A)

Since receiving the original request from ADEQ dated May 23, 2008 numerous water quality samples have been taken of the standing storm water since that time. (see attachment 3)

Section I. (3) A.A.C. R18-11-109(A)

Johnson Utilities received a letter from ADEQ dated May 23, 2008 requesting among other things, that Johnson Utilities post the perimeter of the area of standing water. JU reacted immediately and posted the standing water area before dusk that same day. The wash has

John Gibbons
June 13, 2008
Page 2

experienced standing storm water since January 2008. You also indicated that the sample results indicated fecal Coliform and E. Coli levels in excess of 1600 MPN/100mL.

JU has attached, in Section III. (1) of this response the test results obtained on the standing water. The ability to eliminate the limited standing water at this time, prior to the arrival of the monsoon season, would be greatly appreciated and go far to ease the concerns of local residents and concerned citizens. The elimination of the standing water and immediate construction of the subsurface recharge facility will also provide additional protection to the health and welfare of the community.

The underlying truth of this matter is that if the developer for the Pecan Creek subdivision, a company by the name of PENTAD DEVELOPMENT, L.L.C., had completed their commitments to the community, there would be no standing water in the Queen Creek Wash. The other consideration that has never been addressed is that Pinal County Health Department rules for subdivision design require that all retention areas dissipate or "perk" storm water within 36 hour of the rain event. The Pecan Creek subdivision is discharging storm water into the Queen Creek Wash from the north and the south and it is not dissipating. The "hole" is the result of gravel mining and was completed without restoring the wash to its original condition.

Section II. (1) Permit 41570 – P1053285, Section 2.6.5.3

Our records indicate that the spill was ongoing and was ultimately contained on the afternoon of Sunday, May 18, 2008 at approximately 3:00 PM. Gary Larsen arrived at the local office at approximately 8:00 AM on Monday May 19, 2008 but had already attempting leaving a voice message for Bill Hare at ADEQ notifying him of the spill the previous weekend from his cell phone while traveling to the office. Mr. Larsen did not view the emails from Mr. Hare on his office computer until after arriving at the office sometime at approximately 8:25 AM. Never the less multiple emails and calls were exchanged between ADEQ and JU the morning of Monday May 19 with respect to the spill. JU does not feel that we failed our obligation to report to ADEQ orally within 24 hours of the incident. We also do not feel that we were prompted by ADEQ to report the occurrence.

Section II. (2) Permit 41570 – P1053285, Section 2.6.5.3

Our records indicate that the original lift-station at the Pecan WRP was approved by ADEQ under file number 2004-0214. The 75 HP pumps were part of a 40 page set of plans that included a lift-station and approximately 5 miles of forcemain. When the as-built was provided to ADEQ in 2004 the 75 HP pumps were in the lift-station. The larger pumps were required to pump wastewater to the south for treatment. Attached is a photo of the 75 HP pump that was originally installed in 2004. (see Attachment 1) The pump is still onsite at the Pecan WRP.

The pumps in the lift-station were changed, based on engineering recommendations, when the Pecan WRP design and construction had been completed. The 35 HP Flygt pumps were placed in the Pecan lift station only when they were required to pump into the WRP. The ability of 75 HP pumps to supply large volumes of wastewater was no longer required at that time. The change and analysis of the existing and new pumps was made as part of the wastewater plant analysis and design. Our records indicate that the pumps were purchased in late 2006 and installed. The plant has also been inspected numerous times by ADEQ personnel since that time. It was our belief that ADEQ had been supplied with this information as part of the APP amendments that have occurred since 2004, but have been unable to confirm it at this time. If the change to the pumps has not been supplied to ADEQ it was an oversight. The smaller pumps

John Gibbons
June 13, 2008
Page 3

were more efficient and required less power to supply the small flow of wastewater being experienced by the new WRP at that time. The 35 HP pumps also provided for fewer pump cycles that help increase the life of the pumps. The smaller pumps also help provide the wastewater a more consistent flow to the plant. We can confirm that a 47 HP pump was exchanged with one of the 35 HP pumps after weekend of May 17, and May 18. The 47 HP has subsequently been replaced per Section III. (4) of this response.

Section II. (3) Permit 37536 – AZ0025445, Part II, Section C

Our records indicate that the spill was ongoing and was ultimately contained on the afternoon of Sunday, May 19, 2008 at approximately 3:00 PM. Please refer to Section II. (1) response. JU does not feel that we failed our obligation to report to ADEQ orally within 24 hours of the incident.

Section III. (1). DOCUMENTING COMPLIANCE:

Attached are copies of the test results that we have received to date from the state certified laboratory. (see Attachment 3) Since the test results continue to be sporadic, as of Wednesday, May 11, 2008 JU has elected to sample the standing water on a daily basis. JU has attached final test results taken 5/27/2008, 5/30/2008 and 6/4/2008. JU has received preliminary results from samples of the standing water taken 6/5/2008, 6/10/2008 and 6/11/2008 that indicate elevated fecal Coliform levels in some areas of the standing water. We do not have the final reports at this time but we will continue to forward the results to Bill Hare of ADEQ as the final results become available to us.

Section III. (2). DOCUMENTING COMPLIANCE:

Our records indicate that ADEQ performed inspections and subsequently provided inspection reports on June 27, 2007, April 23, 2007, December 12, 2007 and February 11, 2008. The February 11, 2008 report was generated in association with the SSO that occurred on December 24, 2007. We will supplement this portion of the response with the additional documentation in the timeframe indicated.

Section III. (3). DOCUMENTING COMPLIANCE:

The documentation regarding the occurrence over the weekend of May 17, 2008 and May 18, 2008 was that has been referenced was submitted to ADEQ, attention Bill Hare via email on May 27, 2008. If additional information is required please advise and we will supplement the documentation.

Section III. (4). DOCUMENTING COMPLIANCE:

Attached is a copy of a letter that was sent to Mr. David A. Burchard of ADEQ regarding the installation of two (2) FLYGT 100 HP pumps in the influent lift station at the Pecan Water Reclamation Plant (WRP). The installation of the pumps and the associated piping has been completed. Attached are a few photographs of the pumps that have been installed and are operational. (See Attachment 4)

IV. SUBMITTING COMPLIANCE DOCUMENTATION:

All compliance documentation and other written correspondence regarding this notice will be sent to the attention of ADEQ, Attention: William J. (Bill) Hare.

John Gibbons
June 13, 2008
Page 4

V. STATEMENT OF CONSEQUENCES:

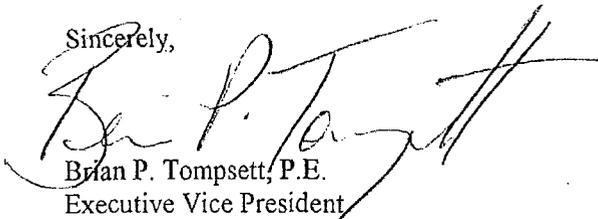
Not applicable at this time.

VI. OFFER TO MEET:

We are more than willing and anxious to meet regarding this notice as soon as possible. We have already suggested a meeting to Cynthia Campbell of ADEQ last week and were under the impression she would gather the necessary people on ADEQ's side. We are available at your convenience.

We welcome the opportunity to provide you with the information that we have available at this time but will continue to research our files for supplemental information and will provide that documentation when it becomes available. If you have any questions, please contact me directly at (480) 998-3300.

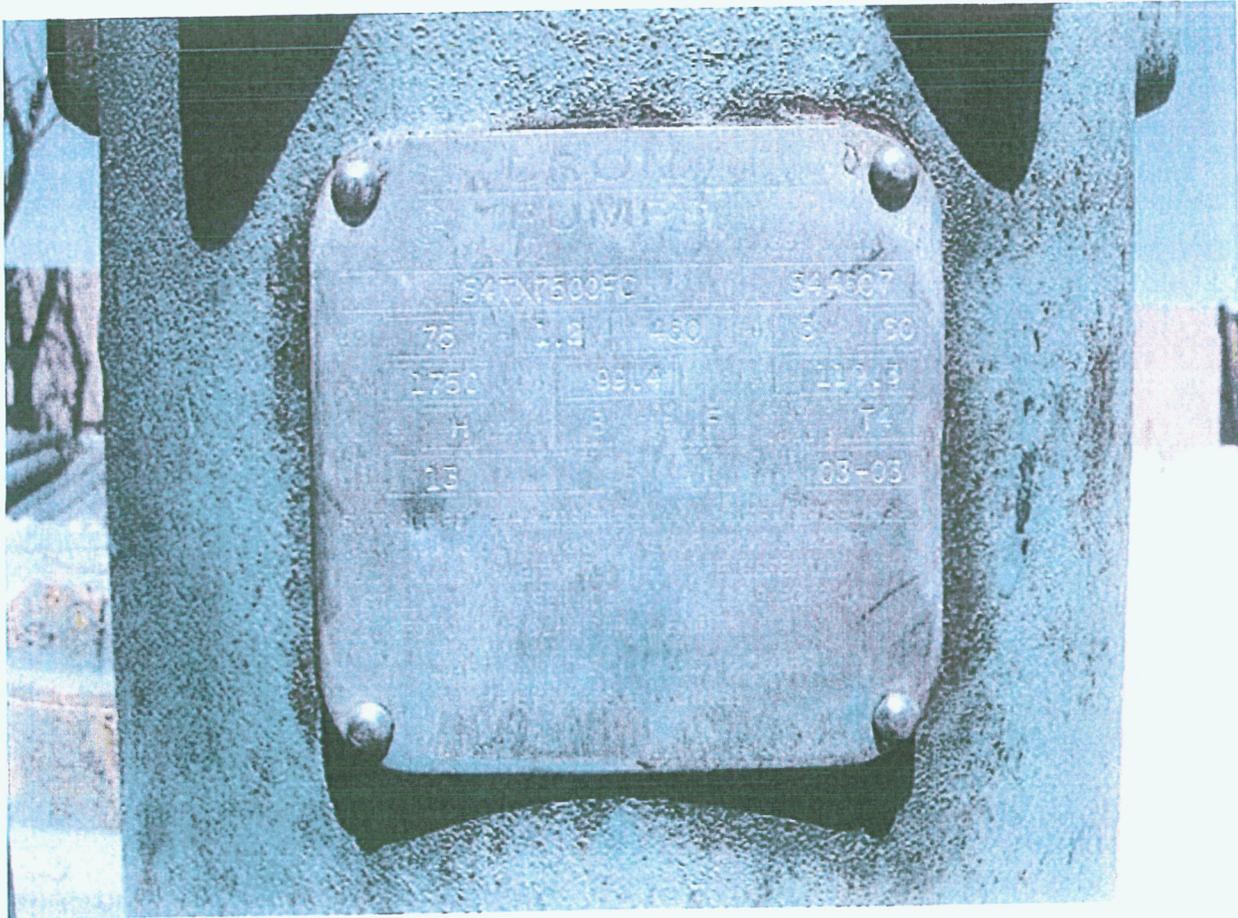
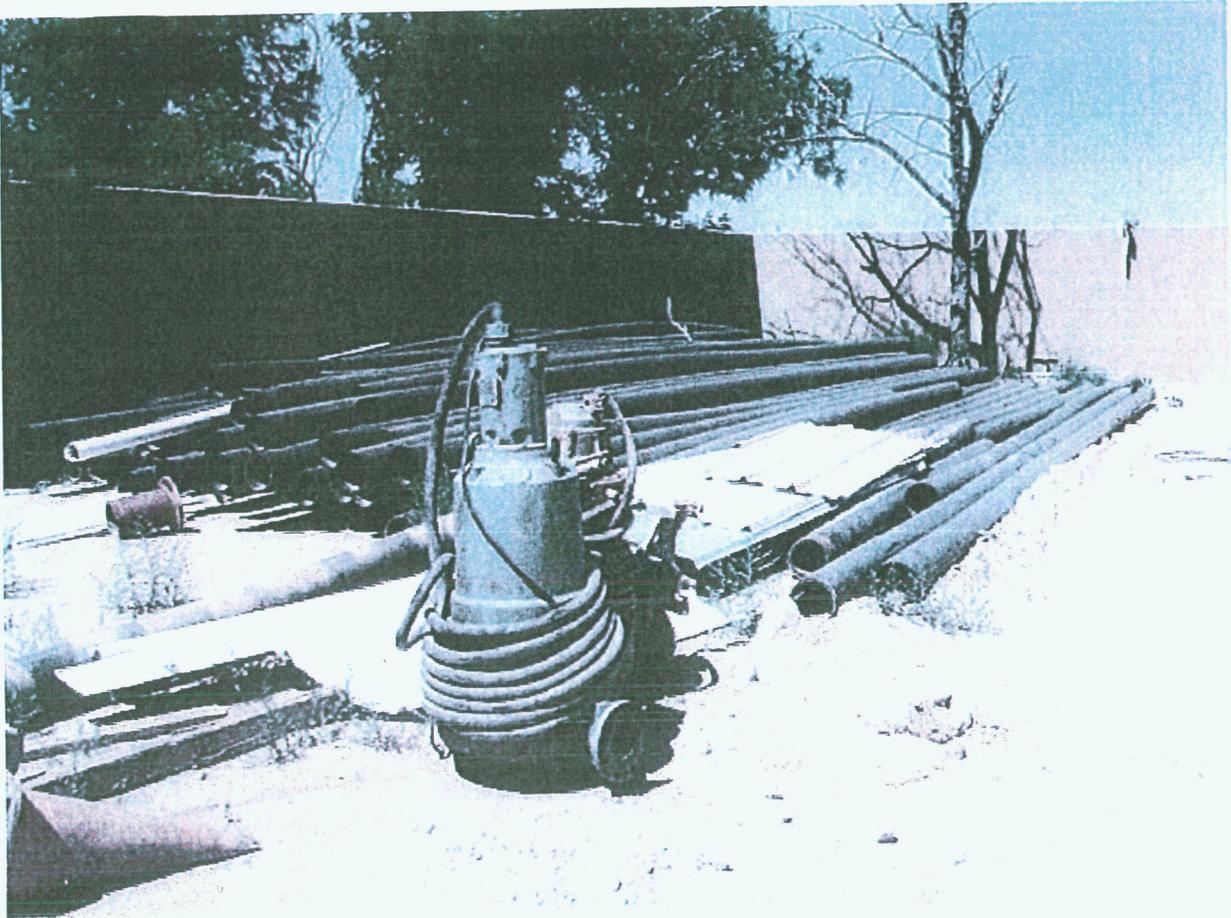
Sincerely,



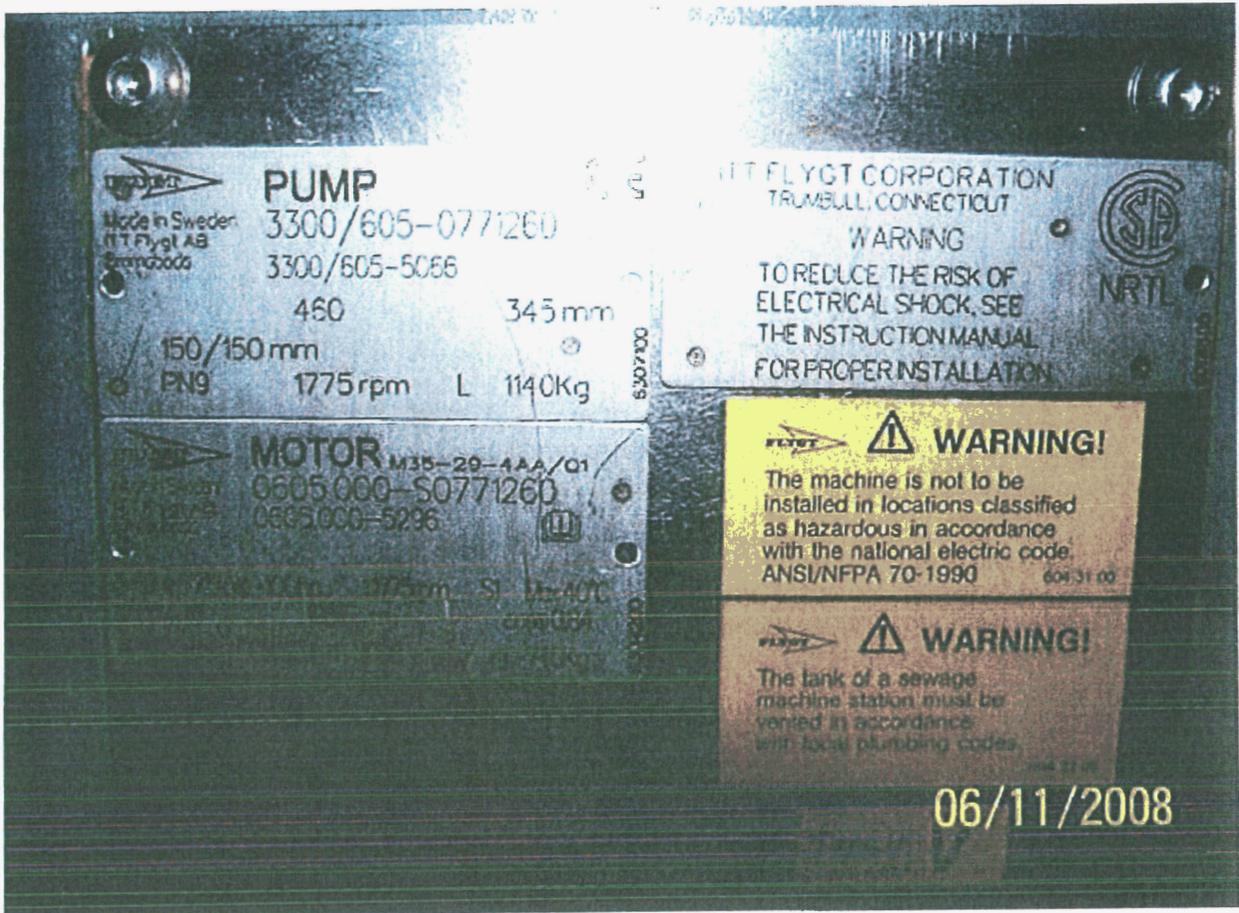
Brian P. Tompsett, P.E.
Executive Vice President

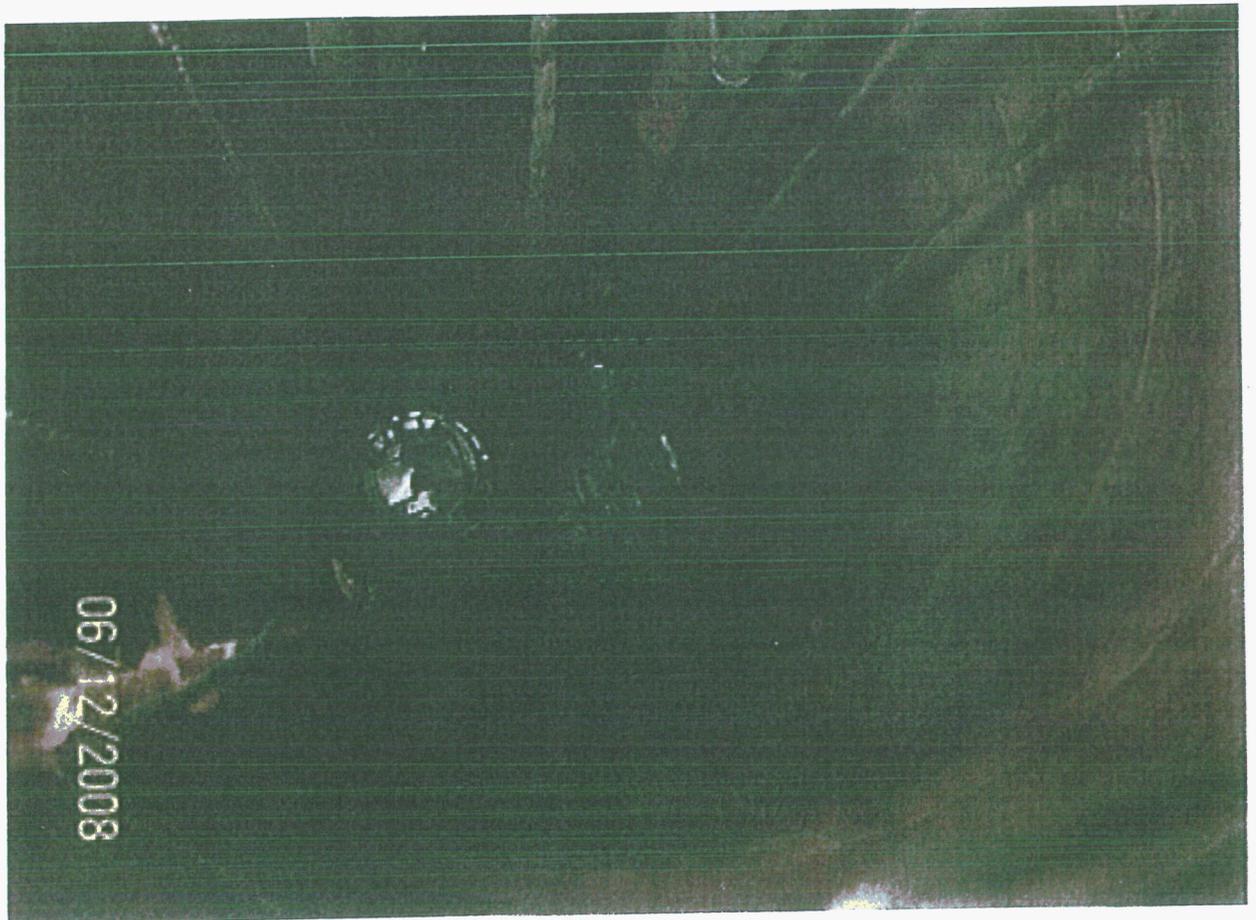
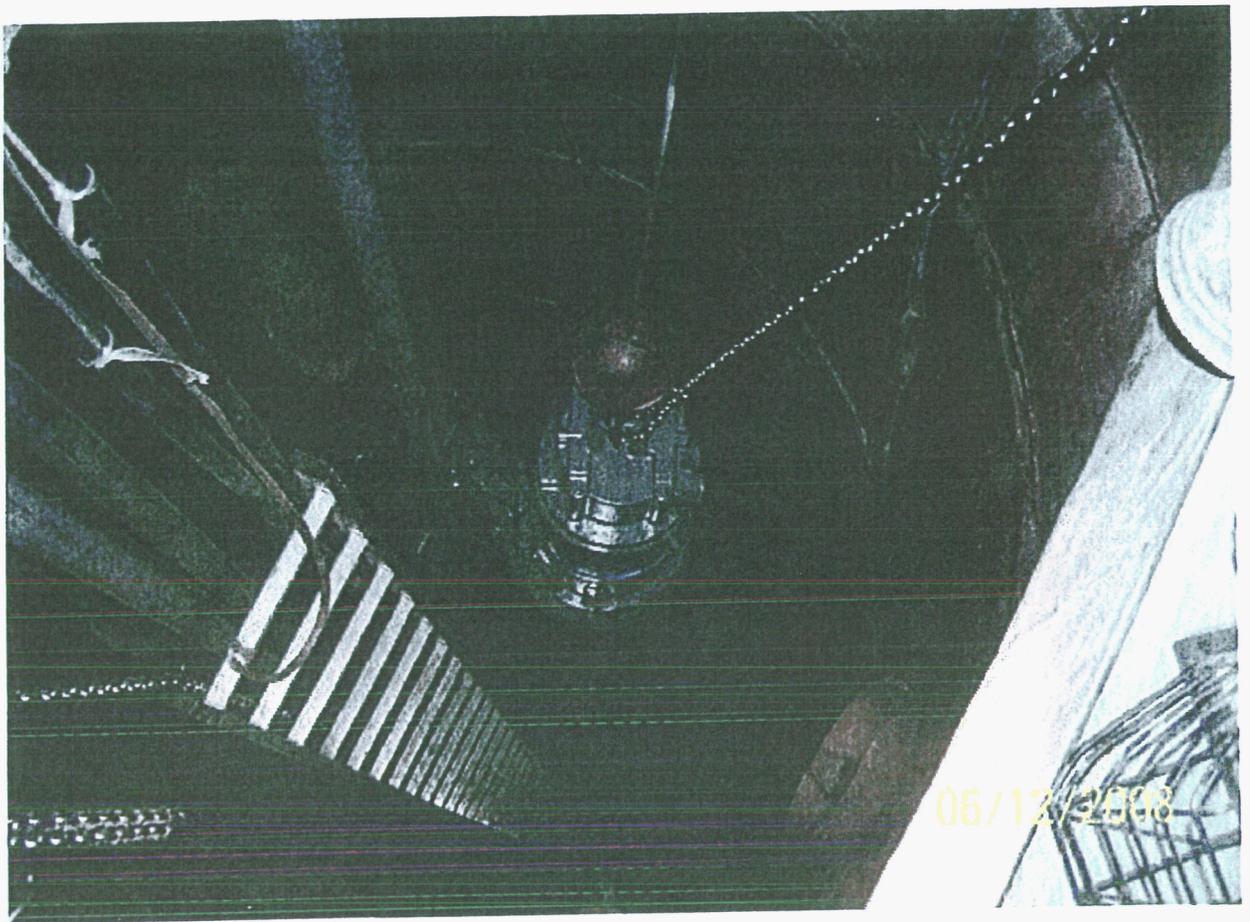
Cc: Cynthia Campbell (Manager, ADEQ)
Steve Olea (Arizona Corporation Commission)
Reg Glos (Pinal County Environmental Health Dept.)
Debra Daniel (Manager ADEQ)

ATTACHMENT 1



ATTACHMENT 2





ATTACHMENT 3



17631 N. 25th Avenue • Phoenix, AZ 85023
 P (602) 324-6100 • F (602) 324-6101
 4585 S. Palo Verde Rd., Ste. 423 • Tucson, AZ 85714
 P (520) 327-1234 • F (520) 327-0518
 ADHS#0004

Gary Larsen Johnson Utilities Co., LLC 968 E. Hunt Hwy Queen Creek, AZ85242	Project: Daily Fecal Section 11 Project Number: Queen Creek Wash (5/27/08)	Reported: 06/03/08 17:09
--	---	-----------------------------

Q.C. Wash (North) (8051623-01) Wastewater (Grab) Sampled: 05/27/08 08:15 Received: 05/27/08 11:25

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

Fecal Coliforms, MF	90		10 CFU/100 mL	10	B8E0772	05/27/08 12:55	05/27/08 12:55	SM 9222D	
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Q.C. Wash (South) (8051623-02) Wastewater (Grab) Sampled: 05/27/08 08:15 Received: 05/27/08 11:25

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

Fecal Coliforms, MF	20		10 CFU/100 mL	10	B8E0772	05/27/08 12:55	05/27/08 12:55	SM 9222D	
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Q.C. Wash (East) (8051623-03) Wastewater (Grab) Sampled: 05/27/08 08:15 Received: 05/27/08 11:25

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

Fecal Coliforms, MF	420		10 CFU/100 mL	10	B8E0772	05/27/08 12:55	05/27/08 12:55	SM 9222D	
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Q.C. Wash (West) (8051623-04) Wastewater (Grab) Sampled: 05/27/08 08:15 Received: 05/27/08 11:25

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

Fecal Coliforms, MF	180		10 CFU/100 mL	10	B8E0772	05/27/08 12:55	05/27/08 12:55	SM 9222D	
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Case Narrative:

Holding Times: All holding times were met unless otherwise qualified.
QA/QC Criteria: All analyses met method requirements unless otherwise qualified.
Comments: There were no problems encountered during the processing of the samples, unless otherwise noted.
 Verbal results to Gary on 5/28/08- LDS

Notes and Definitions

Legend Technical Services of Arizona, Inc.

Sara Sutherland

Client Services Representative

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.



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 P (602) 324-6100 • F (602) 324-6101
 4585 S. Palo Verde Rd., Ste. 423 • Tucson, AZ 85714
 P (520) 327-1234 • F (520) 327-0518
 ADHS#0004

Gary Larsen Johnson Utilities Co., LLC 968 E. Hunt Hwy Queen Creek, AZ85242	Project: Daily Fecal Section 11 Project Number: Queen Creek Wash (5/30/08)	Reported: 06/03/08 17:08
--	---	-----------------------------

Q.C. Wash (South) (8051890-01) Wastewater (Grab) Sampled: 05/30/08 08:00 Received: 05/30/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
Fecal Coliforms, MF	180	10 CFU/100	mL	10	B8F0022	05/30/08 12:40	05/30/08 12:40	SM 9222D	

Q.C. Wash (West) (8051890-02) Wastewater (Grab) Sampled: 05/30/08 08:05 Received: 05/30/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
Fecal Coliforms, MF	150	10 CFU/100	mL	10	B8F0022	05/30/08 12:40	05/30/08 12:40	SM 9222D	

Q.C. Wash (North) (8051890-03) Wastewater (Grab) Sampled: 05/30/08 08:10 Received: 05/30/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
Fecal Coliforms, MF	40	10 CFU/100	mL	10	B8F0022	05/30/08 12:40	05/30/08 12:40	SM 9222D	

Q.C. Wash (East) (8051890-04) Wastewater (Grab) Sampled: 05/30/08 08:20 Received: 05/30/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
Fecal Coliforms, MF	40	10 CFU/100	mL	10	B8F0022	05/30/08 12:40	05/30/08 12:40	SM 9222D	

Case Narrative:

Holding Times: All holding times were met unless otherwise qualified.
QA/QC Criteria: All analyses met method requirements unless otherwise qualified.
Comments: There were no problems encountered during the processing of the samples, unless otherwise noted.
 Verbal results to Gary on 6/2/08 and Emailed results on 6/3/08- LDS

Notes and Definitions

Legend Technical Services of Arizona, Inc.

Sara Sutherland

Client Services Representative

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 P (520) 327-1234 • F (520) 327-0518
 ADHS#0004

Gary Larsen Johnson Utilities Co., LLC 968 E. Hunt Hwy Queen Creek, AZ85242	Project: Daily Fecal Section 11 Project Number: Queen Creek Wash (6/4/08)	Reported: 06/10/08 13:08
--	--	-----------------------------

Q.C. Wash (North) (8060271-01) Wastewater (Grab) Sampled: 06/04/08 08:15 Received: 06/04/08 12:10

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (WW-Colilert)	57		1 MPN/100 mL	1	B8F0179	06/04/08 12:50	06/04/08 12:50	SM 9223B	
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Q.C. Wash (South) (8060271-02) Wastewater (Grab) Sampled: 06/04/08 08:15 Received: 06/04/08 12:10

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (WW-Colilert)	53		1 MPN/100 mL	1	B8F0179	06/04/08 12:50	06/04/08 12:50	SM 9223B	
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Q.C. Wash (East) (8060271-03) Wastewater (Grab) Sampled: 06/04/08 08:15 Received: 06/04/08 12:10

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (WW-Colilert)	50		1 MPN/100 mL	1	B8F0179	06/04/08 12:50	06/04/08 12:50	SM 9223B	
----------------------------	----	--	--------------	---	---------	----------------	----------------	----------	--

Q.C. Wash (West) (8060271-04) Wastewater (Grab) Sampled: 06/04/08 08:15 Received: 06/04/08 12:10

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (WW-Colilert)	81		1 MPN/100 mL	1	B8F0179	06/04/08 12:50	06/04/08 12:50	SM 9223B	
----------------------------	----	--	--------------	---	---------	----------------	----------------	----------	--

Case Narrative:
Holding Times: All holding times were met unless otherwise qualified.
QA/QC Criteria: All analyses met method requirements unless otherwise qualified.
Comments: There were no problems encountered during the processing of the samples, unless otherwise noted.

Notes and Definitions

Legend Technical Services of Arizona, Inc.
Sara Sutherland
 Client Services Representative

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Brian

From: Gary Larsen [glarsen@johnsonutilities.com]
Sent: Monday, June 09, 2008 9:29 AM
To: 'Bill J. Hare'
Subject: FW: 6/5 Wash Results:

Importance: High

East Fecal= 580 CFU
East E.coli= 410.6 MPN

Southwest Fecal= 150 CFU
Southeast Fecal= 120 CFU
Northeast Fecal= 150 CFU
Northwest Fecal= 1970 CFU
West E.Coli= 344.8 MPN
North E.coli= 155.3 MPN
South E.coli= 96.0 MPN

Thank you,
Lisa Sutherland

Client Services Manager

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17631 N. 25th Avenue

Phoenix, AZ 85023

602-324-6110 direct line

legend-group.com

602-324-6101 fax

lsutherland@legend-group.com

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Thank you for your compliance.

-----Original Message-----

From: Lisa Sutherland [mailto:lsutherland@legend-group.com]
Sent: Wednesday, June 11, 2008 4:41 PM
To: Jessica Bloomfield; Gary Larsen
Subject: 6/10 Queen Creek Wash
Importance: High

Northeast E.coli= 129.1 MPN
Northeast Fecal= 370 CFU

Southeast E.coli= 25.6 MPN
Southeast Fecal= 70 CFU

Southwest E.coli= 48.7 MPN
Southwest Fecal= 90 CFU

Thank you,
Lisa Sutherland

Client Services Manager

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Thank you for your compliance.

-----Original Message-----

From: Lisa Sutherland [mailto:lsutherland@legend-group.com]
Sent: Thursday, June 12, 2008 5:12 PM
To: Jessica Bloomfield; Gary Larsen
Subject: 6/11 QC Wash

NE Fecal= 80 CFU
NE ECQ= 46.5 MPN

NW Fecal= 230 CFU
NW ECQ= 123.6 MPN

SE Fecal= 530 CFU
SE ECQ= 218.7 MPN

SW Fecal= 520 CFU
SW ECQ= 231.0 MPN

Thank you,
Lisa Sutherland

Client Services Manager

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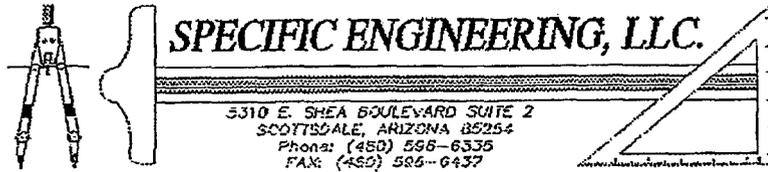
Legend Technical Services of Arizona, Inc.
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Phoenix, AZ 85023
602-324-6110 direct line
legend-group.com
602-324-6101 fax
lsutherland@legend-group.com

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ATTACHMENT 4



VIA E-MAIL AND US MAIL:

June 12, 2008

David A. Burchard
Water Quality Division
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, Arizona 85012

Re: Emergency Upgrade/Repair of the Pecan WRP Influent Pump Station

Dear Mr. Burchard,

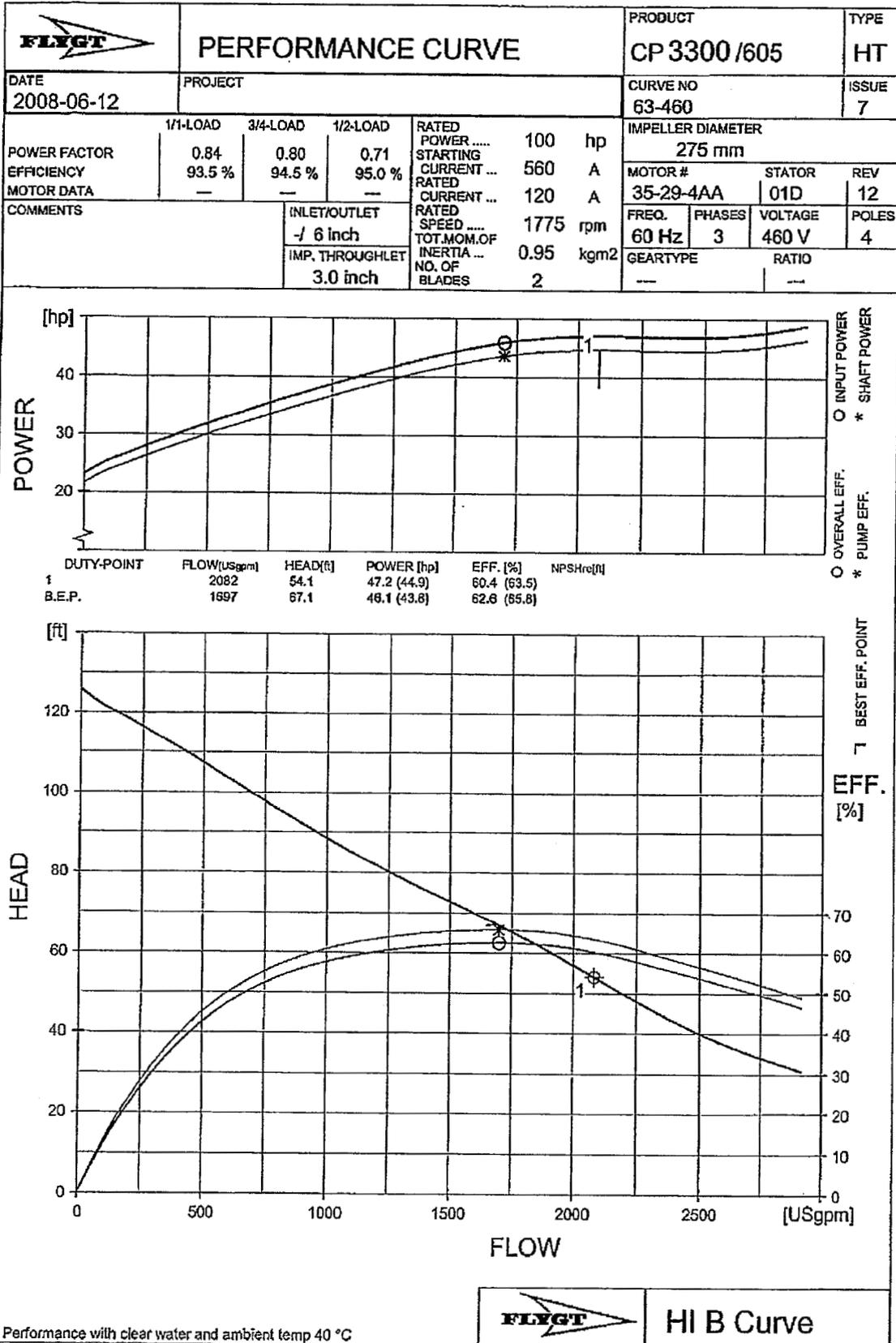
This letter is to notify you we are requiring a waiver of the Notice of Intent for a Construction Authorization for an emergency upgrade/repair and pump replacement for the Pecan WRP influent lift-station. The upgrade will also include larger discharge piping. Pursuant to the Notice of Violation dated June 5, 2008, addressed to Johnson Utilities, L.L.C. ("JU") and our communications with Bill Hare, ADEQ is requiring an emergency replacement of the existing pumps in the lift station with larger, more efficient pumps immediately. Per the email exchange between Mr. Burchard, Mr. Hare both of ADEQ and Gary Larsen of JU it is our understanding that Mr. Hare and yourself decided to have Johnson Utilities, LLC submit this letter for waiver of the NOI, so that Johnson Utilities can complete the emergency upgrade/repairs immediately. Attached is a copy of the performance curve for the proposed pumps. Once these emergency upgrade/repairs are completed, we will then proceed with the NOI process, submit design data, pump specifications, and other pertinent data as required by ADEQ to issue a Construction Authorization, followed up with an engineer's Certification of Completion, and a request for an updated discharge Authorization.

If you have any further questions regarding this subject, please call 480-596-6335.

Sincerely:
Specific Engineering, LLC


Grant Hinderer
Project Manager

Cc: William Hare, (ADEQ)
Steve Olea (ACC)
Pinal County Health Department



FLYPS3.1.5.8 (20060531)

Attachment 12

JOHNSON UTILITIES, L.L.C

5230 East Shea Boulevard * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908

VIA EMAIL AND HAND DELIVERY:

John Gibbons, Manager
Water Quality Field Services Unit
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

June 19, 2008

RE: **DOCUMENT COMPLIANCE**
Pecan Water Reclamation Plant (WRP)
Inventory No. 105324, Place ID 18583, APP No. P105324
AZPDES Permit AZ0025445
Inspection ID No. 121176, Case No. 97512
Queen Creek Wash

Dear Mr. Gibbons:

On June 5, 2008 you emailed a copy of a Notice of Violation ("NOV") and an Inspection Report for the Pecan Water Reclamation Plant (WRP). Our initial response to the NOV was emailed to you on June 13, 2008. Some of the sections within the NOV seem to require no response or action because they are documentation submittal deadlines. We would also like to add that we will continue to supplement this response with additional documentation within the submittal deadlines outlined in the NOV or as requested by ADEQ.

Section III. (1). DOCUMENTING COMPLIANCE:

Attached are copies of the latest test results from 6/11/08, 6/13/08, 6/16/08 and 6/17/08 that we have received to date from the state certified laboratory. (see Attachment 1) Since the test results continue to be sporadic we have continued to sample the standing water in the Queen Creek Wash. It appears that we now have four (4) days worth of test results below the Surface Water Quality Standard for Partial Body Contact for E. coli of 576 cfu/100ml. We would therefore again request that ADEQ allow us to pump the standing water from its existing location to the west side of Gantzel Road. We do not have the final reports at this time but these results were previously emailed to Mr. Bill Hare. We will continue to forward the results to Bill Hare of ADEQ as the final results become available to us. The signs that ADEQ requested be posted around the standing water are still "in-place".

Section III. (2). DOCUMENTING COMPLIANCE:

As previously reported our records indicate that ADEQ performed inspections and subsequently provided inspection reports on June 27, 2007, April 23, 2007, December 12, 2007 and February 11, 2008. The February 11, 2008 report was generated in association with the SSO that occurred on December 24, 2007. The volume of the discharges was calculated by observing the amount of wastewater that was recovered by the pumper truck at each event. The location of these discharges was provided to ADEQ prior to each inspection. The cause of the discharge was also provided to ADEQ. For each wastewater spill the area was disinfected with approximately

John Gibbons
June 19, 2008
Page 2

3-5 lbs of 12.5% sodium hydrochlorite per ADEQ approved protocol. We are not aware of any direct human exposure to the discharged materials prior to clean-up. The personnel that were assigned to the cleanup activity were wearing protective clothing. We will continue to supplement this portion of the response with the additional documentation if you require.

Section III. (3). DOCUMENTING COMPLIANCE:

The documentation regarding the occurrence over the weekend of May 17, 2008 and May 18, 2008 was previously submitted to ADEQ, attention Bill Hare, via email on May 27, 2008. The volume of the discharges was calculated by observing the amount of wastewater that was recovered by the pumper truck at each event. The location of these discharges was provided to ADEQ prior to each inspection. The cause of the discharge was also provided to ADEQ. The wastewater spill area was disinfected with approximately 3-5 lbs of 12.5% sodium hydrochlorite per ADEQ approved protocol. We are not aware of any direct human exposure to the discharged materials prior to clean-up. The personnel that were assigned to the cleanup activity were wearing protective clothing. We will continue to supplement this portion of the response with the additional documentation if you require.

Section III. (4). DOCUMENTING COMPLIANCE:

We previously attached a copy of a letter that was sent to Mr. David A. Burchard of ADEQ regarding the installation of two (2) FLYGT 100 HP pumps in the influent lift station at the Pecan Water Reclamation Plant (WRP). As we indicated in the response on June 13, 2008 the installation of the 100 HP pumps and the associated piping was completed last week. We will be filing the required NOI with ADEQ in the next few days. We have however continued to see an unusual amount of debris within the system that continues to clog the 100 HP pumps. Attached is a log of the number of times the pumps in the influent lift-stations have been pulled and cleared of debris over the last few days (see attachment 2). We will continue to monitor the pumps and keep you advised of the progress. We have previously attached photographs of the 100 HP pumps that have been installed and are operational. If you require additional photographs, please advise.

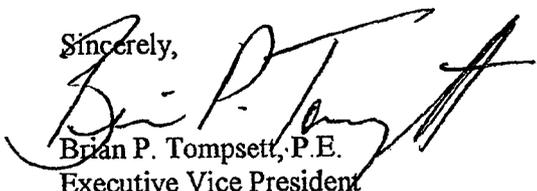
John Gibbons
June 19, 2008
Page 3

VI. OFFER TO MEET:

We are still more than willing and anxious to meet regarding this notice as soon as possible. We are available at your convenience.

We welcome the opportunity to provide you with the information that we have available at this time, but will continue to research our files for supplemental information and will provide that documentation when it becomes available. If you have any questions, please contact me directly at (480) 998-3300.

Sincerely,



Brian P. Tompsett, P.E.
Executive Vice President

Cc: Cynthia Campbell (Manager, ADEQ)
Steve Olea (Arizona Corporation Commission)
Reg Glos (Pinal County Environmental Health Dept.)
Debra Daniel (Manager ADEQ)

ATTACHMENT 1

Brian

From: Gary Larsen [glarsen@johnsonutilities.com]
Sent: Thursday, June 12, 2008 3:37 AM
To: btompsett@qwest.net
Subject: FW: 6/11 Queen Creek Wash

Importance: High

-----Original Message-----

From: Lisa Sutherland [mailto:lsutherland@legend-group.com]
Sent: Wednesday, June 11, 2008 4:41 PM
To: Jessica Bloomfield; Gary Larsen
Subject: 6/11 Queen Creek Wash
Importance: High

Northeast E.coli= 129.1 MPN
Northeast Fecal= 370 CFU

Southeast E.coli= 25.6 MPN
Southeast Fecal= 70 CFU

Southwest E.coli= 48.7 MPN
Southwest Fecal= 90 CFU

Thank you,
Lisa Sutherland

Client Services Manager

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Thank you for your compliance.

Brian

From: Gary Larsen [glarsen@johnsonutilities.com]
Sent: Monday, June 16, 2008 5:12 PM
To: 'Bill J. Hare'
Subject: FW: 6/13 QC Wash

The following has been received by the lab today

-----Original Message-----

From: Lisa Sutherland [mailto:lsutherland@legend-group.com]
Sent: Monday, June 16, 2008 5:08 PM
To: Gary Larsen
Cc: Jessica Bloomfield
Subject: 6/13 QC Wash

NE Fecal MF= 140 CFU
NE ECQ= 63.8 MPN

NW Fecal MF= 130 CFU
NW ECQ= 70.3 MPN

SE Fecal MF= 440 CFU
SE ECQ= 130.1 MPN

SW Fecal MF= 120 CFU
SW ECQ= 85.5 MPN

Thank you,
Lisa Sutherland
Client Services Manager
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Thank you for your compliance.

Brian

From: Gary Larsen [glarsen@johnsonutilities.com]
Sent: Tuesday, June 17, 2008 1:52 PM
To: 'Bill J. Hare'
Subject: FW: 6/16 QC Wash

Bill

We have received our results for the samples pulled on 6-16-08

I believe your samples should be completed by tomorrow, could you forward those when received?

Thx
Gary

-----Original Message-----

From: Lisa Sutherland [mailto:lsutherland@legend-group.com]
Sent: Tuesday, June 17, 2008 1:51 PM
To: Gary Larsen
Cc: Jessica Bloomfield
Subject: 6/16 QC Wash

NE Fecal MF= 320 CFU
NE ECQ= 60.2 MPN

NW Fecal MF= 230 CFU
NW ECQ= 57.4 MPN

SE Fecal MF= 440 CFU
SE ECQ= 172.3 MPN

SW Fecal MF= 360 CFU
SW ECQ= 62.4 MPN

Thank you,
Lisa Sutherland
Client Services Manager
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Brian

From: Gary Larsen [glarsen@johnsonutilities.com]
Sent: Wednesday, June 18, 2008 5:09 PM
To: 'William Hare'
Subject: FW: 6/17

Bill

Test results from Tuesday below, I believe this will satisfy the NOV requirements although I will continue sampling until I receive conformation from you.

I never did hear from you with your results from Monday have you received them yet??

Gary

-----Original Message-----

From: Lisa Sutherland [mailto:lsutherland@legend-group.com]
Sent: Wednesday, June 18, 2008 5:08 PM
To: Jessica Bloomfield; Gary Larsen
Subject: 6/17

NE Fecal= 390 CFU
NE ECQ= 105 MPN
NW Fecal= 250 CFU
NW ECQ= 98.5 MPN
SE Fecal= 90 CFU
SE ECQ= 161.6 MPN
SW Fecal= 470 CFU
SW EDQ= 104.6 MPN

Thank you,
Lisa Sutherland
Client Services Manager
ACCESS AND CHECK THE STATUS OF YOUR DATA VIA THE INTERNET 24 HOURS/DAY, 7 DAYS/WEEK!!!
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Thank you for your compliance.

ATTACHMENT 2

Pecan Creek influent lift-station - Pump Log of 100 HP's pumps.

<u>Date:</u>	<u>Time:</u>	<u>Activity:</u>
6/14/08	7:00 AM	Pulled and cleared debris from both influent pumps
	2:00 PM	Pulled and cleared debris from both influent pumps
	3:00 PM	Pulled and cleared debris from both influent pumps
6/15/08	11:00 PM	Pulled and cleared debris from single influent pump
6/16/08	6:00 AM	Pulled and cleared debris from both influent pumps
6/17/08	5:00 AM	Pulled and cleared debris from both influent pumps
	1:30 AM	Pulled and cleared debris from both influent pumps
6/18/08	7:00 AM	Pulled and cleared debris from both influent pumps
	11:30 AM	Pulled and cleared debris from both influent pumps
6/19/08	6:30 AM	Pulled and cleared debris from both influent pumps
	10:00 AM	Pulled and cleared debris from single influent pumps

Attachment 13

JOHNSON UTILITIES, L.L.C

5230 East Shea Boulevard * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908

VIA EMAIL AND U.S. MAIL:

Cynthia S. Campbell, Manager
Water Quality Compliance Section
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

August 5, 2008

RE: Pecan Water Reclamation Plant
Queen Creek Wash - Test results

Dear Ms. Campbell:

On May 23, 2008 you sent notification to Johnson Utilities, L.L.C. ("JU") requesting that JU post the perimeter of the area of standing storm water immediately east of Gantzel Road within the Queen Creek Wash with a warning to avoid contact due to the presence of Coliform bacteria. JU responded immediately and, as a public service, posted the standing water area before dusk that same day while not admitting any liability. The standing storm water, although much larger now in volume, is still fenced from the public and still has the postings.

JU has continued to take random samples of the standing storm water. JU took four (4) samples from four (4) different locations on three separate days within the Queen Creek Wash. Attached to this letter are the analyses of those samples by Legend Technical Services, Inc. for samples taken on 7/23/2008, 7/25/2008 and 7/30/2008. As you can see, the levels of E. coli for all twelve samples over the three days are below 576 cfu/100ml, the applicable standard.

As you know, inspectors from ADEQ are well aware of the fact that standing storm water has been in the Queen Creek Wash historically in this location for many years. Over the last few weeks we have sent you numerous test results of E. coli and Fecal Coliform levels within standing storm water in Pinal and Maricopa counties. As the test results that we have previously provided and are currently providing show, the E. Coli and Fecal Coliform levels in this area of the Queen Creek Wash are neither unusual nor remarkable. The fact that this storm water has been stagnant in the current location for many months is further proof that these test results are typical storm water test results.

I have attached copies of photos taken January 29, 2008, which show storm water from the January rains flowing through Queen Creek Wash and underneath Gantzel Road. As you are aware, past aggregate mining operations within Queen Creek Wash just east of Gantzel Road have left a long, deep depression which traps a substantial volume of storm water when the wash runs. In addition, the Pecan Creek developments on either side of the wash were designed (and apparently approved by Pinal County) to direct storm water runoff from those developments into Queen Creek Wash, which also pools in the depression. While JU is not responsible for the presence of the standing storm water in Queen Creek Wash, or for the removal of that water, as a public service, we are again requesting that ADEQ allow JU to pump the standing water to the

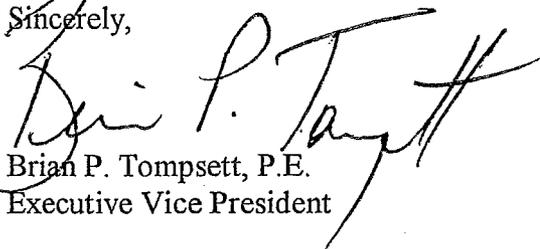
west, underneath Gantzel Road, so that it can dissipate naturally down Queen Creek Wash as it did historically before the creation of the depression in the wash.

The removal of standing water from a depression or a flooded area is not uncommon in Pinal County. I have attached a photo taken July 14, 2008, after the most recent storm which shows a county truck pumping trapped storm water across Bella Vista road immediately west of the Union Pacific Railroad so that the water can drain downstream. Pinal County Sheriff's vehicles can be seen in the background blocking traffic.

As the enclosed test results show, E.coli readings from the standing water in Queen Creek Wash at Gantzel Road are within allowable limits. Moreover, as the test results from samples taken at other locations in Pinal and Maricopa Counties show (and which were provided to ADEQ), E.coli and Fecal Coliform exists naturally in storm water, often at levels greatly exceeding those that have been measured in the standing water in Queen Creek Wash at Gantzel Road. In fact, the test results that were obtained on 7/14/2008, and provided to ADEQ, from the standing storm water at the existing gravel mining operation approximately 1.25 miles immediately upstream from the area at issue show Fecal Coliform levels much higher than this location. Any storm water generated by the current monsoon season will deliver the standing water from the gravel mining operation downstream to this location.

The elimination of the standing storm water as soon as possible, prior to the arrival of any additional monsoons, would be greatly appreciated by the local residents. Of course, a permanent solution to the standing water problem in Queen Creek Wash will still need to be addressed by ADEQ, Pinal County, the developer of the Pecan Creek subdivisions and the residents of those developments. If you have any questions, please contact me directly at (480) 998-3300. I look forward to your response.

Sincerely,



Brian P. Tompsett, P.E.
Executive Vice President

Cc: Steve Olea (Arizona Corporation Commission)
Reg Glos (Pinal County Environmental Health Dept.)
Debra Daniel (Manager ADEQ)
John Gibbons (Manager ADEQ)

LEGEND

Technical Services, Inc.

www.legend-group.com

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ADHS#0004

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ85242

Project: Daily Fecal Section 11
Project Number: QC Wash (7/23/08)

Reported:
08/05/08 13:01

QC Wash (NE) (8071636-01) Surface Water (Grab) Sampled: 07/23/08 08:45 Received: 07/23/08 11:40

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
Fecal Coliforms, MF	160		10 CFU/100 mL	10	B8G0795	07/23/08 13:15	07/23/08 13:15	SM 9222D	

QC Wash (NE) (8071636-02) Surface Water (Grab) Sampled: 07/23/08 08:45 Received: 07/23/08 11:40

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (WW-Colilert)	35		1 MPN/100 mL	1	B8G0741	07/23/08 13:05	07/23/08 13:05	SM 9223B	

QC Wash (NW) (8071636-03) Surface Water (Grab) Sampled: 07/23/08 08:45 Received: 07/23/08 11:40

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
Fecal Coliforms, MF	120		10 CFU/100 mL	10	B8G0795	07/23/08 13:15	07/23/08 13:15	SM 9222D	

QC Wash (NW) (8071636-04) Surface Water (Grab) Sampled: 07/23/08 08:45 Received: 07/23/08 11:40

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (WW-Colilert)	23		1 MPN/100 mL	1	B8G0741	07/23/08 13:05	07/23/08 13:05	SM 9223B	

QC Wash (SE) (8071636-05) Surface Water (Grab) Sampled: 07/23/08 08:45 Received: 07/23/08 11:40

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
Fecal Coliforms, MF	1500		10 CFU/100 mL	10	B8G0795	07/23/08 13:15	07/23/08 13:15	SM 9222D	

QC Wash (SE) (8071636-06) Surface Water (Grab) Sampled: 07/23/08 08:45 Received: 07/23/08 11:40

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									

Legend Technical Services of Arizona, Inc.

Sara Sutherland

Client Services Representative

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ85242

Project: Daily Fecal Section 11
Project Number: QC Wash (7/23/08)

Reported:
08/05/08 13:01

QC Wash (SE) (8071636-06) Surface Water (Grab) Sampled: 07/23/08 08:45 Received: 07/23/08 11:40

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (WW-Colilert)	330	1 MPN/100	1	B8G0741	07/23/08 13:05	07/23/08 13:05	SM 9223B		
			mL						

QC Wash (SW) (8071636-07) Surface Water (Grab) Sampled: 07/23/08 08:45 Received: 07/23/08 11:40

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

Fecal Coliforms, MF	1100	10 CFU/100	10	B8G0795	07/23/08 13:15	07/23/08 13:15	SM 9222D		
			mL						

QC Wash (SW) (8071636-08) Surface Water (Grab) Sampled: 07/23/08 08:45 Received: 07/23/08 11:40

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (WW-Colilert)	180	1 MPN/100	1	B8G0741	07/23/08 13:05	07/23/08 13:05	SM 9223B		
			mL						

Case Narrative:

Holding Times: All holding times were met unless otherwise qualified.
QA/QC Criteria: All analyses met method requirements unless otherwise qualified.
Comments: There were no problems encountered during the processing of the samples, unless otherwise noted.
Notified client of the results via email on 7/24/08- LDS

Notes and Definitions

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.



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 ADHS#0004

Johnson Utilities Co., LLC
 968 E. Hunt Hwy
 Queen Creek, AZ85242

Project: Daily Fecal Section 11
 Project Number: QC Wash (7/24/08)

Reported:
 07/29/08 10:37

DRAFT: QC Wash (NE) (8071838-01) Surface Water (Grab) Sampled: 07/25/08 08:45 Received: 07/25/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

DRAFT: Microbiology

Fecal Coliforms, MF	80		10 CFU/100 mL	10	B8G0812	07/25/08 12:40	07/25/08 12:40	SM 9222D	
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DRAFT: QC Wash (NE) (8071838-02) Surface Water (Grab) Sampled: 07/25/08 08:45 Received: 07/25/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

DRAFT: Microbiology

E. coli, MPN (WW-Colilert)	48		1 MPN/100 mL	1	B8G0837	07/25/08 12:25	07/25/08 12:25	SM 9223B	
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DRAFT: QC Wash (NW) (8071838-03) Surface Water (Grab) Sampled: 07/25/08 08:45 Received: 07/25/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

DRAFT: Microbiology

Fecal Coliforms, MF	140		10 CFU/100 mL	10	B8G0812	07/25/08 12:40	07/25/08 12:40	SM 9222D	
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DRAFT: QC Wash (NW) (8071838-04) Surface Water (Grab) Sampled: 07/25/08 08:45 Received: 07/25/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

DRAFT: Microbiology

E. coli, MPN (WW-Colilert)	40		1 MPN/100 mL	1	B8G0837	07/25/08 12:25	07/25/08 12:25	SM 9223B	
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DRAFT: QC Wash (SE) (8071838-05) Surface Water (Grab) Sampled: 07/25/08 08:45 Received: 07/25/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

DRAFT: Microbiology

Fecal Coliforms, MF	280		10 CFU/100 mL	10	B8G0812	07/25/08 12:40	07/25/08 12:40	SM 9222D	
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DRAFT: QC Wash (SE) (8071838-06) Surface Water (Grab) Sampled: 07/25/08 08:45 Received: 07/25/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

DRAFT: Microbiology

DRAFT REPORT

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ85242

Project: Daily Fecal Section 11
Project Number: QC Wash (7/24/08)

Reported:
07/29/08 10:37

DRAFT: QC Wash (SE) (8071838-06) Surface Water (Grab) Sampled: 07/25/08 08:45 Received: 07/25/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

DRAFT: Microbiology

E. coli, MPN (WW-Colilert)	53	1	MPN/100 mL	1	B8G0837	07/25/08 12:25	07/25/08 12:25	SM 9223B	
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DRAFT: QC Wash (SW) (8071838-07) Surface Water (Grab) Sampled: 07/25/08 08:45 Received: 07/25/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

DRAFT: Microbiology

Fecal Coliforms, MF	1200	10	CFU/100 mL	10	B8G0812	07/25/08 12:40	07/25/08 12:40	SM 9222D	
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DRAFT: QC Wash (SW) (8071838-08) Surface Water (Grab) Sampled: 07/25/08 08:45 Received: 07/25/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

DRAFT: Microbiology

E. coli, MPN (WW-Colilert)	410	1	MPN/100 mL	1	B8G0837	07/25/08 12:25	07/25/08 12:25	SM 9223B	
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Case Narrative:

Holding Times: All holding times were met unless otherwise qualified.
QA/QC Criteria: All analyses met method requirements unless otherwise qualified.
Comments: There were no problems encountered during the processing of the samples, unless otherwise noted.

Notes and Definitions

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

-----Original Message-----

From: Lisa Sutherland [mailto:lsutherland@legend-group.com]
Sent: Thursday, July 31, 2008 3:55 PM

Subject: QC 7/30

NE Fecal MF= 120 CFU
NE ECQ= 103.9 MPN

NW Fecal MF= 50 CFU
NW ECQ= 54.8 MPN

SE Fecal MF= 160 CFU
SE ECQ= 201.4 MPN

SW Fecal MF= 480 CFU
SW ECQ= 146.7 MPN

Thank you,
Lisa Sutherland
Client Services Manager

>>I WILL BE OUT OF THE OFFICE ON JULY 28TH, JULY 31ST, AUGUST 4TH AND
>>AUGUST
5TH<<

Legend Technical Services of Arizona, Inc.
17631 N. 25th Avenue
Phoenix, AZ 85023
602-324-6110 direct line
legend-group.com
602-324-6101 fax
lsutherland@legend-group.com

CONFIDENTIALITY NOTICE:

If you have received this e-mail in error, please immediately notify the sender by the address shown. This e-mail transmission may contain confidential information. information is intended only for the use of the individual(s) or entity to whom it intended even if addressed incorrectly. Please delete it from your files if you are intended recipient.

Thank you for your compliance.





Attachment 14

JOHNSON UTILITIES, L.L.C

5230 East Shea Boulevard * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908

September 30, 2008

Arizona Department of Environmental Quality
Water Quality Enforcement Section
Attention: Cynthia S. Campbell, Section Manager
1110 W. Washington Street
Phoenix, AZ 85007-2935

RE: Consent Order P-57-08
Status Report

Dear Ms. Campbell:

In accordance with the Consent Order, P-57-08, Johnson Utilities, L.L.C. is submitting this status report for the treatment of the standing stormwater in Queen Creek. Johnson Utilities (JUC) submitted the plan to provide a public service by treating standing stormwater that had accumulated in the Queen Creek Wash east of Gantzel Road. This was a one-time service effort and any short or long-term remedies to address the recurring problem of standing stormwater in the wash will be the responsibility of Pinal County and/or the owner of the property.

The treatment was initiated on September 15, 2008, within 72 hours of the issuance of the Consent Order, on September 13, 2008, in accordance with the approved treatment plan, *Johnson Utilities, L.L.C., The Use of Potassium Permanganate to Disinfect Standing Stormwater in Queen Creek Wash East of Gantzel Rd, Township 05 South, Range 8 East, Section 29, NW 1/4, SW 1/4, SW 1/4*, August 2008, Second Revision, August 20, 2008.

TREATMENT AND SAMPLING

On 9/15/08, JUC initiated the treatment plan for the standing stormwater in the Queen Creek wash. The bench test concluded that 12 mg/L of potassium permanganate should be necessary for the successful treatment of the stormwater. The volume of the standing stormwater was estimated to be 4.3 million gallons (MG) on August 8, 2008. Evaporation from that date was estimated to be approximately 6 inches. The revised volume of standing stormwater was estimated to be 3.5 mg. The total pounds of potassium permanganate required for treatment was calculated to be $3.5 \text{ MG} \times 8.34 \text{ lbs/gal} \times 12 \text{ mg/L} = 350 \text{ lbs}$.

The plant operators started treating the standing stormwater at 10:00 am on 9/15/08 and finished at approximately 2:00 pm on 9/15/08. In accordance with the treatment plan, a boat was used for distributing the chemical. On shore personnel used a rope to pull the boat back and forth to ensure even distribution of the KMnO_4 over the standing stormwater. Since the existing depth of the standing stormwater on the day of treatment was less than 6-8 inches in

the deepest areas, no oar or outboard motor could be used without stirring up sediment. The evening operator reported that the stormwater was still pink at 10:00 pm. In accordance with the treatment plan, no further treatment was required.

On 9/16/08 the initial sampling event for E. coli was conducted in the presence of Bill Hare, ADEQ. Split samples were taken and submitted to the laboratory in accordance with the treatment plan. Three additional sampling events were conducted 24 hours apart on 9/17, 9/18, and 9/19/08. The laboratory results are provided in Table 1. The E. coli results from the samples did not meet the numeric standard for E. coli for the designated use of partial body contact (PBC), per A.A.C, R18-11-109 (A). The standard requires that E. coli shall not exceed a geometric mean (four sample minimum) of 126 cfu/100 mL and a single sample maximum of 576 cfu/100 m.

On 9/18/08 it was determined by JUC that the treatment was not fully successful and that additional treatment would be required to meet ADEQ Water Quality Standards. A second treatment of the standing stormwater with potassium permanganate was applied on 9/22/08.

On 9/22/08, JUC initiated the second treatment of the standing stormwater in the Queen Creek wash. The plant operators started treating the standing stormwater at 8:00 am and finished at approximately noon. In accordance with the treatment plan, a boat was again used for distributing the chemical. On shore personnel used a rope to pull the boat back and forth to ensure even distribution of the $KMnO_4$ over the standing stormwater. Since the depth of the standing stormwater was still less than 6-8 inches in the deepest areas, no oar or outboard motor could be used without stirring up the sediment. The evening operator reported that the stormwater was still purple at 8:00 pm. In accordance with the treatment plan no further treatment was required.

On 9/23/08 the initial sampling event for E. coli was conducted. On 9/24/08 the second sampling event was conducted in the presence of Bill Hare, ADEQ. Split samples were taken and submitted to the laboratory. Two additional sampling events were conducted 24 hours apart on 9/25, and 9/26/08 to complete the four (4) sample requirement of the treatment and sampling plan. The laboratory results are provided in Table 2. As shown, the reported E. coli results meet the numeric standard for E. coli for the designated use of partial body contact.

QUALITY CONTROL

All sampling, preservation and holding times were in accordance with the approved Sampling and Analysis Plan, dated August 20, 2008. Travel blanks, equipment blanks and duplicate samples were also obtained. The chain of custody procedure was followed for all samples.

All samples collected for compliance monitoring were analyzed using EPA approved Standard Method 9223B. Analyses were performed by Legend Technical Services, Inc., a laboratory licensed by the Arizona Department of Health Services, Office of Laboratory

Cynthia S. Campbell
September 30, 2008
Page 3 of 4

Licensure and Certification. All analytical work met quality control standards specified in the approved methods.

Copies of Legend's final microbiological reports for the sampling events shown in Table 2 are attached. In accordance with the sampling plan, a field notebook was used to log the sampling events which were also photographed. These documents are available for ADEQ review.

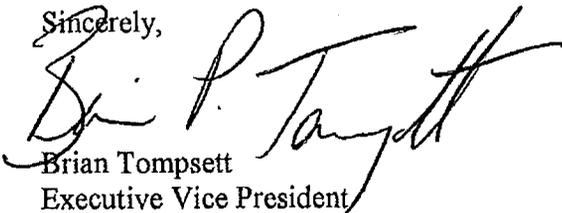
CERTIFICATION

JUC met the Section III requirement to commence implementation of the treatment plan within 72 hours of the issuance of the Consent Order. JUC continued sampling until the surface water quality standard for E. coli was met. JUC notified ADEQ at least 24 hours prior to the start of the sampling events series pursuant to the treatment plan which allowed ADEQ the opportunity to take split samples.

We certify that all the requirements of Section III of the Consent Order, P-57-08, have been achieved.

If you have any questions or comments, please contact me a (480) 998-3300.

Sincerely,



Brian Tompsett
Executive Vice President
Johnson Utilities, L.L.C.

Enclosures: 9/23/08 Microbiological Report, Legend Technical Services, Inc.
9/24/08 Microbiological Report, Legend Technical Services, Inc.
9/25/08 Microbiological Report, Legend Technical Services, Inc.
9/26/08 Microbiological Report, Legend Technical Services, Inc.

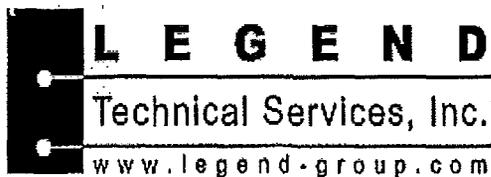
Table 1 (First Treatment) Johnson Utilities, L.L.C. Escherichia coli Sampling of Standing Stormwater Queen Creek Wash East of Gantzel Rd, Pinal County						
Date	Day	Sample Location				Geometric Mean
		N	S	E	W	
9/16/08	Tuesday	249.5	1230*	1203*	687*	611**
9/17/08	Wednesday	770*	1299.7*	2420*	1046*	
9/18/08	Thursday	649*	435	517	461	
9/19/08	Friday	111	461	345	488	

*Exceeded single sample maximum of 576 cfu/100 mL

**Exceeded geometric mean (four sample minimum) of 126 cfu/100 mL

Table 2 (Second Treatment) Johnson Utilities, L.L.C. Escherichia coli Sampling of Standing Stormwater Queen Creek Wash East of Gantzel Rd, Pinal County						
Date	Day	Sample Location				Geometric Mean
		N	S	E	W	
9/23/08	Tuesday	1	1	54.6	1	39***
9/24/08	Wednesday	122.3	3.1	410.6	1	
9/25/08	Thursday	275.5	275.5	79.4	387.3	
9/26/08	Friday	260.3	365.4	44.1	410.6	

*** Meets geometric mean requirement (four sample minimum) of 126 cfu/100mL or less and has no single sample exceeding 576 cfu/100 mL.



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29 September 2008

Gary Larsen
Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

RE: Dally Fecal

Legend ID: 8091695

Legend Technical Services of Arizona, Inc. is pleased to provide the enclosed analytical results for the aforementioned project. These results relate only to the items tested. This cover letter and the accompanying pages represent the full report for these analyses and should only be reproduced in full. Samples for this project were received by the laboratory on 09/23/08 11:30.

The samples were processed in accordance with the Chain of Custody document and the results presented relate only to the samples tested. The Chain of Custody is considered part of this report.

All samples will be retained by LEGEND for 30 days from the date of this report and then discarded unless other arrangements are made.

This entire report was reviewed and approved for release by the undersigned. If you have any questions concerning this report, please feel free to contact me.

Sincerely,
LEGEND TECHNICAL SERVICES OF ARIZONA, INC.

A handwritten signature in cursive script that reads "Lisa Sutherland".

Lisa Sutherland
Client Services Representative

This laboratory report is confidential and is intended for the sole use of LEGEND and it's client.

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal
Project Number: Queen Creek Wash (9/23/08)
Project Manager: Gary Larsen

Reported:
09/29/08 14:03

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Type	Date Sampled	Date Received
North	8091695-01	Surface Water		09/23/08 07:33	09/23/08 11:30
South	8091695-02	Surface Water		09/23/08 07:43	09/23/08 11:30
East	8091695-03	Surface Water		09/23/08 07:37	09/23/08 11:30
West	8091695-04	Surface Water		09/23/08 07:29	09/23/08 11:30
Equipment Blank	8091695-05	Surface Water	Grab	09/23/08 07:45	09/23/08 11:30
Travel Blank	8091695-06	Surface Water	Grab	09/18/08 14:20	09/23/08 11:30
West Duplicate	8091695-07	Surface Water	Grab	09/23/08 07:29	09/23/08 11:30

Case Narrative:

Holding Times: All holding times were met unless otherwise qualified.
QA/QC Criteria: All analyses met method requirements unless otherwise qualified.
Comments: There were no problems encountered during the processing of the samples, unless otherwise noted.
Notified client of the ECQ result via email on 9/23/08- LDS

Johnson Utilities Co., LLC 968 E. Hunt Hwy Queen Creek, AZ 85242	Project: Daily Fecal Project Number: Queen Creek Wash (9/23/08) Project Manager: Gary Larsen	Reported: 09/29/08 14:03
--	--	-----------------------------

North (8091695-01) Surface Water () Sampled: 09/23/08 07:33 Received: 09/23/08 11:30

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Colilert)	<1.0	1.0	MPN/100	1	B8I0801	09/23/08 13:20	09/23/08 13:20	SM 9223B	
			mL						

South (8091695-02) Surface Water () Sampled: 09/23/08 07:43 Received: 09/23/08 11:30

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Colilert)	1.0	1.0	MPN/100	1	B8I0801	09/23/08 13:20	09/23/08 13:20	SM 9223B	
			mL						

East (8091695-03) Surface Water () Sampled: 09/23/08 07:37 Received: 09/23/08 11:30

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Colilert)	54.6	1.0	MPN/100	1	B8I0801	09/23/08 13:20	09/23/08 13:20	SM 9223B	
			mL						

West (8091695-04) Surface Water () Sampled: 09/23/08 07:29 Received: 09/23/08 11:30

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Colilert)	<1.0	1.0	MPN/100	1	B8I0801	09/23/08 13:20	09/23/08 13:20	SM 9223B	
			mL						

Equipment Blank (8091695-05) Surface Water (Grab) Sampled: 09/23/08 07:45 Received: 09/23/08 11:30

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Colilert)	<1.0	1.0	MPN/100	1	B8I0801	09/23/08 13:20	09/23/08 13:20	SM 9223B	
			mL						

Travel Blank (8091695-06) Surface Water (Grab) Sampled: 09/18/08 14:20 Received: 09/23/08 11:30

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Colilert)	<1.0	1.0	MPN/100	1	B8I0801	09/23/08 13:20	09/23/08 13:20	SM 9223B	H3
			mL						

West Duplicate (8091695-07) Surface Water (Grab) Sampled: 09/23/08 07:29 Received: 09/23/08 11:30

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									

Legend Technical Services of Arizona, Inc.
 Certifications: AZ #0004 MN #004--999-387 AIHA #102982

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal
Project Number: Queen Creek Wash (9/23/08)
Project Manager: Gary Larsen

Reported:
09/29/08 14:03

West Duplicate (8091695-07) Surface Water (Grab) Sampled: 09/23/08 07:29 Received: 09/23/08 11:30

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Collert)	<1.0	1.0	MPN/100 mL	1	B810801	09/23/08 13:20	09/23/08 13:20	SM 9223B	

Johnson Utilities Co., LLC
 968 E. Hunt Hwy
 Queen Creek, AZ 85242

Project: Daily Fecal
 Project Number: Queen Creek Wash (9/23/08)
 Project Manager: Gary Larsen

Reported:
 09/29/08 14:03

Microbiology - Quality Control
Legend Technical Services of Arizona, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch B810801 - micro_prep										
Blank (B810801-BLK1)										
<i>Prepared & Analyzed: 09/23/08</i>										
E. coli, MPN (SW-Collert)	<1.0	1.0	MPN/100 mL							
Duplicate (B810801-DUP1)										
Source: 8091698-01										
<i>Prepared & Analyzed: 09/23/08</i>										
E. coli, MPN (SW-Collert)	<1.0	1.0	MPN/100 mL	<1.0					100	

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal :
Project Number: Queen Creek Wash (9/23/08)
Project Manager: Gary Larsen

Reported:
09/29/08 14:03

Notes and Definitions

H3 Sample was received and analyzed past holding time.
BLK Method Blank
LCS/Dup Laboratory Control Sample/Laboratory Fortified Blank/Duplicate
MS/Dup Matrix Spike/Duplicate
Dry Sample results reported on a dry weight basis
RPD Relative Percent Difference

Johnson Utilities Co., LLC
 968 E. Hunt Hwy
 Queen Creek, AZ 85242

Project: Daily Feece'
 Project Number: Queen Creek Wash (9/23/08)
 Project Manager: Gary Larsen

Reported:
 09/29/08 14:03

8091695 (R)

CHAIN OF CUSTODY RECORD

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Page 1 of 1

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CLIENT INFORMATION

Client Name: JOHNSON UTILITY
 Address: 968 E. Hunt Hwy, City: QUEEN CREEK, AZ 85242, Phone: 480-987-9870, Fax: 480-987-9879

PROJECT INFORMATION

Project Name: QUEEN CREEK WASH, Project Manager: GARY LARSEN

LABORATORY AUTHORIZATION

Laboratory Authorization Required for Rush
 Standard 10-15 Day
 Crew

CLIENT'S SAMPLE IDENTIFICATION

Sample Identification	Date	Time	Sample Location	Composite	Grab	Sample Type	Compliance	No. of Containers	Remarks
NORTH	9/23/08	7:38	QC. WASH	X	X	X	X	X	-01
SOUTH	9/23/08	7:43	QC. WASH	X	X	X	X	X	-02
EAST	9/23/08	7:37	QC. WASH	X	X	X	X	X	-03
WEST	9/23/08	7:29	QC. WASH	X	X	X	X	X	-04
EQUIPMENT BLANK	9/23/08	7:45	QC. WASH	X	O	X	X	X	-05
TRUCK BLANK	9/23/08	11:20		X	O	X	X	X	-06
WEST DUPLICATE	9/23/08	7:29	QC. WASH	X	X	X	X	X	-07

COMMENTS / SPECIAL INSTRUCTIONS:

ANALYSIS REQUIRED:

Sample Number	Analysis	Date	Time	Remarks
1	Williams Wast	9/23/08	7:38	7:38
2	Williams Wast	9/23/08	7:43	7:43
3	Williams Wast	9/23/08	7:37	7:37
4	Williams Wast	9/23/08	7:29	7:29
5	Williams Wast	9/23/08	7:45	7:45
6	Williams Wast	9/23/08	11:20	11:20
7	Williams Wast	9/23/08	7:29	7:29

#110-148 YELL/CW/JDL

FORM GEN IN 8/2000



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29 September 2008

Gary Larsen
Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

RE: Dally Fecal :

Legend ID: 8091804

Legend Technical Services of Arizona, Inc. is pleased to provide the enclosed analytical results for the aforementioned project. These results relate only to the items tested. This cover letter and the accompanying pages represent the full report for these analyses and should only be reproduced in full. Samples for this project were received by the laboratory on 09/24/08 11:45.

The samples were processed in accordance with the Chain of Custody document and the results presented relate only to the samples tested. The Chain of Custody is considered part of this report.

All samples will be retained by LEGEND for 30 days from the date of this report and then discarded unless other arrangements are made.

This entire report was reviewed and approved for release by the undersigned. If you have any questions concerning this report, please feel free to contact me.

Sincerely,
LEGEND TECHNICAL SERVICES OF ARIZONA, INC.

A handwritten signature in black ink that reads "Lisa Sutherland". The signature is written in a cursive, flowing style.

Lisa Sutherland
Client Services Representative

This laboratory report is confidential and is intended for the sole use of LEGEND and it's client.

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal
Project Number: Queen Creek Wash 9/24/08
Project Manager: Gary Larsen

Reported:
09/29/08 14:01

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Type	Date Sampled	Date Received
North E. Coli	8091804-01	Surface Water	Grab	09/24/08 07:40	09/24/08 11:45
South E. Coli	8091804-02	Surface Water	Grab	09/24/08 07:50	09/24/08 11:45
East E. Coli	8091804-03	Surface Water	Grab	09/24/08 07:45	09/24/08 11:45
West E. Coli	8091804-04	Surface Water	Grab	09/24/08 07:32	09/24/08 11:45
West E. Coli Duplicate	8091804-05	Surface Water	Grab	09/24/08 07:32	09/24/08 11:45
Equipment Blank	8091804-06	Surface Water	Grab	09/24/08 07:52	09/24/08 11:45
Travel Blank	8091804-07	Surface Water	Grab	09/24/08 00:00	09/24/08 11:45

Case Narrative:

Holding Times: All holding times were met unless otherwise qualified.
QA/QC Criteria: All analyses met method requirements unless otherwise qualified.
Comments: There were no problems encountered during the processing of the samples, unless otherwise noted.
Notified client of the ECQ results via email on 9/25/08- LDS

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal :
Project Number: Queen Creek Wash 9/24/08
Project Manager: Gary Larsen

Reported:
09/29/08 14:01

North E. Coli (8091804-01) Surface Water (Grab) Sampled: 09/24/08 07:40 Received: 09/24/08 11:45

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Collert) 122.3 1.0 MPN/100 1 B810811 09/24/08 13:05 09/24/08 13:05 SM 9223B
mL

South E. Coli (8091804-02) Surface Water (Grab) Sampled: 09/24/08 07:50 Received: 09/24/08 11:45

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Collert) 3.1 1.0 MPN/100 1 B810811 09/24/08 13:05 09/24/08 13:05 SM 9223B
mL

East E. Coli (8091804-03) Surface Water (Grab) Sampled: 09/24/08 07:45 Received: 09/24/08 11:45

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Collert) 410.6 1.0 MPN/100 1 B810811 09/24/08 13:05 09/24/08 13:05 SM 9223B
mL

West E. Coli (8091804-04) Surface Water (Grab) Sampled: 09/24/08 07:32 Received: 09/24/08 11:45

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Collert) <1.0 1.0 MPN/100 1 B810811 09/24/08 13:05 09/24/08 13:05 SM 9223B
mL

West E. Coli Duplicate (8091804-05) Surface Water (Grab) Sampled: 09/24/08 07:32 Received: 09/24/08 11:45

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Collert) <1.0 1.0 MPN/100 1 B810811 09/24/08 13:05 09/24/08 13:05 SM 9223B
mL

Equipment Blank (8091804-06) Surface Water (Grab) Sampled: 09/24/08 07:52 Received: 09/24/08 11:45

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Collert) <1.0 1.0 MPN/100 1 B810811 09/24/08 13:05 09/24/08 13:05 SM 9223B
mL

Travel Blank (8091804-07) Surface Water (Grab) Sampled: 09/24/08 00:00 Received: 09/24/08 11:45

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

Legend Technical Services of Arizona, Inc.
Certifications: AZ #0004 MN #004-999-387 AIHA #102982

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal
Project Number: Queen Creek Wash 9/24/08
Project Manager: Gary Larsen

Reported:
09/29/08 14:01

Travel Blank (8091804-07) Surface Water (Grab) Sampled: 09/24/08 00:00 Received: 09/24/08 11:45

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Colilert)	<1.0	1.0 MPN/100		1	B810811	09/24/08 13:05	09/24/08 13:05	SM 9223B	
		mL							

Johnson Utilities Co., LLC 968 E. Hunt Hwy Queen Creek, AZ 85242	Project: Daily Fecal Project Number: Queen Creek Wash 9/24/08 Project Manager: Gary Larsen	Reported: 09/29/08 14:01
--	--	-----------------------------

Microbiology - Quality Control
Legend Technical Services of Arizona, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch B810811 - micro_prep										
Blank (B810811-BLK1) <i>Prepared & Analyzed: 09/24/08</i>										
E. coli, MPN (SW-Colilert)	<1.0		1.0 MPN/100 mL							
Duplicate (B810811-DUP1) <i>Prepared & Analyzed: 09/24/08</i>										
E. coli, MPN (SW-Colilert)	<1.0		1.0 MPN/100 mL		<1.0				100	

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal *
Project Number: Queen Creek Wash 9/24/08
Project Manager: Gary Larsen

Reported:
09/29/08 14:01

Notes and Definitions

BLK Method Blank
LCS/Dup Laboratory Control Sample/Laboratory Fortified Blank/Duplicate
MS/Dup Matrix Spike/Duplicate
Dry Sample results reported on a dry weight basis
RPD Relative Percent Difference



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29 September 2008

Gary Larsen
Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

RE: Daily Fecal

Legend ID: 8091908

Legend Technical Services of Arizona, Inc. is pleased to provide the enclosed analytical results for the aforementioned project. These results relate only to the items tested. This cover letter and the accompanying pages represent the full report for these analyses and should only be reproduced in full. Samples for this project were received by the laboratory on 09/25/08 12:00.

The samples were processed in accordance with the Chain of Custody document and the results presented relate only to the samples tested. The Chain of Custody is considered part of this report.

All samples will be retained by LEGEND for 30 days from the date of this report and then discarded unless other arrangements are made.

This entire report was reviewed and approved for release by the undersigned. If you have any questions concerning this report, please feel free to contact me.

Sincerely,
LEGEND TECHNICAL SERVICES OF ARIZONA, INC.

A handwritten signature in black ink that reads "Lisa Sutherland". The signature is written in a cursive, flowing style.

Lisa Sutherland
Client Services Representative

This laboratory report is confidential and is intended for the sole use of LEGEND and it's client.

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal .
Project Number: Queen Creek Wash (9/25/08)
Project Manager: Gary Larsen

Reported:
09/29/08 13:59

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Type	Date Sampled	Date Received
North	8091908-01	Surface Water	Grab	09/25/08 08:06	09/25/08 12:00
South	8091908-02	Surface Water	Grab	09/25/08 08:03	09/25/08 12:00
East	8091908-03	Surface Water	Grab	09/25/08 08:10	09/25/08 12:00
West	8091908-04	Surface Water	Grab	09/25/08 08:01	09/25/08 12:00
West Duplicate	8091908-05	Surface Water	Grab	09/25/08 08:01	09/25/08 12:00
Equipment Blank	8091908-06	Surface Water	Grab	09/25/08 08:15	09/25/08 12:00
Travel Blank	8091908-07	DI Water	Grab	09/25/08 00:00	09/25/08 12:00

Case Narrative:

Holding Times: All holding times were met unless otherwise qualified.
QA/QC Criteria: All analyses met method requirements unless otherwise qualified.
Comments: There were no problems encountered during the processing of the samples, unless otherwise noted.
Emailed prelims on 9/26/08- LDS

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal
Project Number: Queen Creek Wash (9/25/08)
Project Manager: Gary Larsen

Reported:
09/29/08 13:59

North (8091908-01) Surface Water (Grab) Sampled: 09/25/08 08:06 Received: 09/25/08 12:00

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Collert) 275.5 1.0 MPN/100 1 B810852 09/25/08 12:50 09/25/08 12:50 SM 9223B
mL

South (8091908-02) Surface Water (Grab) Sampled: 09/25/08 08:03 Received: 09/25/08 12:00

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Collert) 275.5 1.0 MPN/100 1 B810852 09/25/08 12:50 09/25/08 12:50 SM 9223B
mL

East (8091908-03) Surface Water (Grab) Sampled: 09/25/08 08:10 Received: 09/25/08 12:00

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Collert) 79.4 1.0 MPN/100 1 B810852 09/25/08 12:50 09/25/08 12:50 SM 9223B
mL

West (8091908-04) Surface Water (Grab) Sampled: 09/25/08 08:01 Received: 09/25/08 12:00

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Collert) 387.3 1.0 MPN/100 1 B810852 09/25/08 12:50 09/25/08 12:50 SM 9223B
mL

West Duplicate (8091908-05) Surface Water (Grab) Sampled: 09/25/08 08:01 Received: 09/25/08 12:00

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Collert) 260.3 1.0 MPN/100 1 B810852 09/25/08 12:50 09/25/08 12:50 SM 9223B
mL

Equipment Blank (8091908-06) Surface Water (Grab) Sampled: 09/25/08 08:15 Received: 09/25/08 12:00

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Collert) <1.0 1.0 MPN/100 1 B810852 09/25/08 12:50 09/25/08 12:50 SM 9223B
mL

Travel Blank (8091908-07) DI Water (Grab) Sampled: 09/25/08 00:00 Received: 09/25/08 12:00

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

Legend Technical Services of Arizona, Inc.
Certifications: AZ #0004 MN #004-999-387 AIHA #102982

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal
Project Number: Queen Creek Wash (9/25/08)
Project Manager: Gary Larsen

Reported:
09/29/08 13:59

Travel Blank (8091908-07) DI Water (Grab) Sampled: 09/25/08 00:00 Received: 09/25/08 12:00

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Collfert)	<1.0	1.0	MPN/100 mL	1	B810852	09/25/08 12:50	09/25/08 12:50	SM 9223B	

Johnson Utilities Co., LLC
 968 E. Hunt Hwy
 Queen Creek, AZ 85242

Project: Daily Fecal :
 Project Number: Queen Creek Wash (9/25/08)
 Project Manager: Gary Larsen

Reported:
 09/29/08 13:59

Microbiology - Quality Control
Legend Technical Services of Arizona, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch B810852 - micro_prep										
Blank (B810852-BLK1) <i>Prepared & Analyzed: 09/25/08</i>										
E. coli, MPN (SW-Colilert)	<1.0		1.0 MPN/100 mL							
Duplicate (B810852-DUP1) <i>Prepared & Analyzed: 09/25/08</i>										
E. coli, MPN (SW-Colilert)	56.5		1.0 MPN/100 mL		53.8			4.90	100	

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal
Project Number: Queen Creek Wash (9/25/08)
Project Manager: Gary Larsen

Reported:
09/29/08 13:59

Notes and Definitions

BLK Method Blank
LCS/Dup Laboratory Control Sample/Laboratory Fortified Blank/Duplicate
MS/Dup Matrix Spike/Duplicate
Dry Sample results reported on a dry weight basis
RPD Relative Percent Difference

Johnson Utilities Co., LLC
 968 E. Hunt Hwy
 Queen Creek, AZ 85242

Project: Daily Fecal
 Project Number: Queen Creek Wash (9/25/08)
 Project Manager: Gary Larsen

Reported:
 09/29/08 13:59

8091908

CHAIN OF CUSTODY RECORD

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Page 1 of 1

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Client Name JOHNSON UTILITY		Address 968 E. HUNT HWY.		City QUEEN CREEK	State AZ	Zip 85242	Phone 480-987-9870	Fax 480-987-9819	
Project Name QUEEN CREEK WASH		Project Manager GARY LARSEN		Project No.		Fax No.		OC Report <input type="checkbox"/> ESD <input type="checkbox"/>	
Sample Type Code <input type="checkbox"/> Sewage <input type="checkbox"/> Wastewater <input type="checkbox"/> Stormwater <input type="checkbox"/> Other		Laboratory Authorization Required for Rush <input type="checkbox"/> Expires 10-11-07 <input type="checkbox"/> Other		Compliance <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Sample Type <input checked="" type="checkbox"/> Fecal <input type="checkbox"/> Other		No. of Containers <input checked="" type="checkbox"/> 1 <input type="checkbox"/> Other	
Client's Sample Identification		Date	Time	Sample Location	Compliance	Grab	Sample Type	Compliance	No. of Containers
NORTH		9/25/08	8:00		X	✓	F	X	1
SOUTH		9/25/08	8:05		X	✓	F	X	1
EAST		9/25/08	8:10		X	✓	F	X	1
WEST		9/25/08	8:21		X	✓	F	X	1
WEST DUPLICATE		9/25/08	8:21		X	✓	F	X	1
EQUIPMENT BLANK		9/25/08	8:15		X	0	F	X	1
TRAVEL BLANK		9/25/08	-		X	0	F	X	1

ENSURE COMPLETION OF ANALYSIS SAMPLES MUST BE RECEIVED AT LEAST 24 HOURS PRIOR TO THE SCHEDULED ANALYSIS DATE
 Comments / Special Instructions:

Sample Condition	Control	Temperature	Signature	Date	Signature	Date
7	3.8°C	Y	Bill Coually	9/25/08	Bill Coually	9/25/08
Y	N	Y	Bill Coually	9/25/08	Bill Coually	9/25/08
Y	N	Y	Bill Coually	9/25/08	Bill Coually	9/25/08

FORM GEN 110 (6/06)



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P (520) 327-1234 • F (520) 327-0518

29 September 2008

Gary Larsen
Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

RE: Daily Fecal

Legend ID: 8091969

Legend Technical Services of Arizona, Inc. is pleased to provide the enclosed analytical results for the aforementioned project. These results relate only to the items tested. This cover letter and the accompanying pages represent the full report for these analyses and should only be reproduced in full. Samples for this project were received by the laboratory on 09/26/08 11:20.

The samples were processed in accordance with the Chain of Custody document and the results presented relate only to the samples tested. The Chain of Custody is considered part of this report.

All samples will be retained by LEGEND for 30 days from the date of this report and then discarded unless other arrangements are made.

This entire report was reviewed and approved for release by the undersigned. If you have any questions concerning this report, please feel free to contact me.

Sincerely,
LEGEND TECHNICAL SERVICES OF ARIZONA, INC.

A handwritten signature in black ink that reads "Lisa Sutherland". The signature is written in a cursive, flowing style.

Lisa Sutherland
Client Services Representative

This laboratory report is confidential and is intended for the sole use of LEGEND and it's client.

Johnson Utilities Co., LLC
988 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal
Project Number: Queen Creek Wash (9/26/08)
Project Manager: Gary Larsen

Reported:
09/29/08 13:58

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Type	Date Sampled	Date Received
North	8091969-01	Surface Water	Grab	09/26/08 07:51	09/26/08 11:20
South	8091969-02	Surface Water	Grab	09/26/08 07:59	09/26/08 11:20
East	8091969-03	Surface Water	Grab	09/26/08 07:54	09/26/08 11:20
West	8091969-04	Surface Water	Grab	09/26/08 07:46	09/26/08 11:20
West Duplicate	8091969-05	Surface Water	Grab	09/26/08 07:46	09/26/08 11:20
Equipment Blank	8091969-06	Surface Water	Grab	09/26/08 08:00	09/26/08 11:20
Travel Blank	8091969-07	DI Water	Grab	09/26/08 00:00	09/26/08 11:20

Case Narrative:

Holding Times: All holding times were met unless otherwise qualified.
QA/QC Criteria: All analyses met method requirements unless otherwise qualified.
Comments: There were no problems encountered during the processing of the samples, unless otherwise noted.
Emailed prelims on 9/29/08- LDS

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal
Project Number: Queen Creek Wash (9/26/08)
Project Manager: Gary Larsen

Reported:
09/29/08 13:58

North (8091969-01) Surface Water (Grab) Sampled: 09/26/08 07:51 Received: 09/26/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Colliert)	260.3	1.0 MPN/100	1	B810896	09/26/08 12:50	09/26/08 12:50	SM 9223B		
mL									

South (8091969-02) Surface Water (Grab) Sampled: 09/26/08 07:59 Received: 09/26/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Colliert)	365.4	1.0 MPN/100	1	B810896	09/26/08 12:50	09/26/08 12:50	SM 9223B		
mL									

East (8091969-03) Surface Water (Grab) Sampled: 09/26/08 07:54 Received: 09/26/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Colliert)	44.1	1.0 MPN/100	1	B810896	09/26/08 12:50	09/26/08 12:50	SM 9223B		
mL									

West (8091969-04) Surface Water (Grab) Sampled: 09/26/08 07:46 Received: 09/26/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Colliert)	410.6	1.0 MPN/100	1	B810896	09/26/08 12:50	09/26/08 12:50	SM 9223B		
mL									

West Duplicate (8091969-05) Surface Water (Grab) Sampled: 09/26/08 07:46 Received: 09/26/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Colliert)	435.2	1.0 MPN/100	1	B810896	09/26/08 12:50	09/26/08 12:50	SM 9223B		
mL									

Equipment Blank (8091969-06) Surface Water (Grab) Sampled: 09/26/08 08:00 Received: 09/26/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Colliert)	<1.0	1.0 MPN/100	1	B810896	09/26/08 12:50	09/26/08 12:50	SM 9223B		
mL									

Travel Blank (8091969-07) DI Water (Grab) Sampled: 09/26/08 00:00 Received: 09/26/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									

Legend Technical Services of Arizona, Inc.
Certifications: AZ #0004 MN #004-999-387 AIHA #102982

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Johnson Utilities Co., LLC 968 E. Hunt Hwy Queen Creek, AZ 85242	Project: Daily Fecal Project Number: Queen Creek Wash (9/26/08) Project Manager: Gary Larsen	Reported: 09/29/08 13:58
--	--	-----------------------------

Travel Blank (8091969-07) DI Water (Grab) Sampled: 09/26/08 00:00 Received: 09/26/08 11:20

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

Legend Technical Services of Arizona, Inc.

Microbiology									
E. coli, MPN (SW-Collitert)	<1.0	1.0	MPN/100 mL	1	B810896	09/26/08 12:50	09/26/08 12:50	SM 9223B	

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal
Project Number: Queen Creek Wash (9/26/08)
Project Manager: Gary Larsen

Reported:
09/29/08 13:58

Microbiology - Quality Control
Legend Technical Services of Arizona, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch B810896 - micro_prep										
Blank (B810896-BLK1)										
<i>Prepared & Analyzed: 09/26/08</i>										
E. coli, MPN (SW-Collert)	<1.0		1.0 MPN/100 mL							

Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ 85242

Project: Daily Fecal .
Project Number: Queen Creek Wash (9/26/08)
Project Manager: Gary Larsen

Reported:
09/29/08 13:58

Notes and Definitions

BLK Method Blank
LCS/Dup Laboratory Control Sample/Laboratory Fortified Blank/Duplicate
MS/Dup Matrix Spike/Duplicate
Dry Sample results reported on a dry weight basis
RPD Relative Percent Difference

Johnson Utilities Co., LLC
 988 E. Hunt Hwy
 Queen Creek, AZ 85242

Project: Daily Fecal
 Project Number: Queen Creek Wash (9/26/08)
 Project Manager: Gary Larsen

Reported:
 09/29/08 13:58

8091969

CHAIN OF CUSTODY RECORD

LEGEND
 Technical Services, Inc.
 www.technicalservices.com

17551 N. 25th Avenue • Phoenix, AZ 85021 • (602) 324-6100 • Fax: (602) 324-4101
 4616 S. Palo Verde Rd, 6th Fl. • Tempe, AZ 85714 • (602) 227-1234 • Fax: (602) 227-6516

Page 1 of 1

Form TSC-001

Client Name Johnson Utility		Address 968 East Hunt Hwy.		City Queen Creek	State AZ	Zip 85242	Phone 480-287-8870	Fax/Telex or Email Address 480-287-8818
Project Name Queen Creek Wash		Project Manager Gary Larsen		Form Fee <input type="checkbox"/>		OS Report <input type="checkbox"/>		EDS <input type="checkbox"/>
Chain of Custody <input type="checkbox"/> For Cust 10 - 13 Day <input type="checkbox"/> Other		Laboratory Authorization Required for Rush						
Client's Sample Identification	Date	Time	Sample Location	Composite	Sub	Storage Type	Chain of Custody	No. of Containers
North	9/26/08	7:51A		X	SW	X	1	X
South	9/26/08	7:59A		X	SW	X	1	X
East	9/26/08	7:54A		X	SW	X	1	X
West	9/26/08	7:56A		X	SW	X	1	X
West Duplicate	9/26/08	7:56A		X	SW	X	1	X
Equipment Blank	9/26/08	8:00A		X	O	X	1	X
Travel Blank	9/26/08			X	DI	X	1	X

Comments / Special Instructions:

Sample ID	1
Sample ID	2
Sample ID	3
Sample ID	4
Sample ID	5
Sample ID	6
Sample ID	7
Sample ID	8
Sample ID	9
Sample ID	10

Sample ID	Signature	Date
1	[Signature]	9/26/08
2	[Signature]	9:20
3	[Signature]	9:26
4	[Signature]	9:30
5	[Signature]	9:30
6	[Signature]	9:30
7	[Signature]	9:30
8	[Signature]	9:30
9	[Signature]	9:30
10	[Signature]	9:30

WRITE US YES/NO/CLIENT

FORM TSC-170 03/01

Attachment 15

JOHNSON UTILITIES, L.L.C

5230 East Shea Boulevard * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908

October 3, 2008

Arizona Department of Environmental Quality
Water Quality Enforcement Section
Attention: Cynthia S. Campbell, Section Manager
1110 W. Washington Street
Phoenix, AZ 85007-2935

RE: Consent Order P-57-08
Status Report Follow Up

Dear Ms. Campbell:

On September 29, 2008, Johnson Utilities, L.L.C. completed another sampling event of the standing stormwater in the Queen Creek wash. The results are presented in Table 2 which was part of our September 30, 2008, Status Report that was sent to you. As shown, the latest results meet the surface water quality standards. It is our belief and understanding that no further treatment or testing is required as Johnson Utilities successfully completed all requirements of the Consent Order.

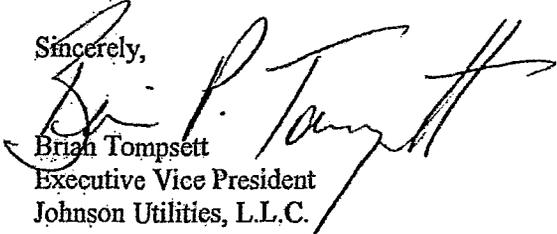
As I stated before, Johnson Utilities provided a public service by treating standing stormwater that had accumulated in the Queen Creek Wash east of Gantzel Road. This was a one-time service effort and any short or long-term remedies to address the recurring problem of standing stormwater in the wash will be the responsibility of Pinal County and/or the owner of the property.

Table 2 (Second Treatment)						
Escherichia coli Sampling of Standing Stormwater, Queen Creek Wash						
East of Gantzel Rd, Pinal County						
Date	Day	Sample Location				Geometric Mean
		N	S	E	W	
9/23/08	Tuesday	1	1	54.6	1	42*
9/24/08	Wednesday	122.3	3.1	410.6	1	
9/25/08	Thursday	275.5	275.5	79.4	387.3	
9/26/08	Friday	260.3	365.4	44.1	410.6	
9/29/08	Monday	68.3	63.3	13.5	135.4	

*Meets geometric mean requirement (four sample minimum) of 126 cfu/100mL or less and has no single sample exceeding 576 cfu/100 mL.

If you have any questions, need additional information or have any comments, please contact me at (480) 998-3300.

Sincerely,


Brian Tompsett
Executive Vice President
Johnson Utilities, L.L.C.

Enclosure: 9/29/08 Microbiological Report, Legend Technical Services, Inc.



17631 N. 25th Avenue • Phoenix, AZ 85023
 P (602) 324-6100 • F (602) 324-6101
 4585 S. Palo Verde Rd., Ste. 423 • Tucson, AZ 85714
 P (520) 327-1234 • F (520) 327-0518
 ADHS#0004

Gary Larsen Johnson Utilities Co., LLC 968 E. Hunt Hwy Queen Creek, AZ85242	Project: Daily Fecal Section 11 Project Number: Queen Creek Wash E.Coli (9/29/08)	Reported: 10/01/08 12:12
--	--	-----------------------------

West E. Coli (8092050-01) Surface Water (Grab) Sampled: 09/29/08 08:26 Received: 09/29/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Colifert)	135.4	1.0 MPN/100	mL	1	B810955	09/29/08 12:55	09/29/08 12:55	SM 9223B	
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West E. Coli Duplicate (8092050-02) Surface Water (Grab) Sampled: 09/29/08 08:26 Received: 09/29/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Colifert)	146.7	1.0 MPN/100	mL	1	B810955	09/29/08 12:55	09/29/08 12:55	SM 9223B	
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North E. Coli (8092050-03) Surface Water (Grab) Sampled: 09/29/08 08:30 Received: 09/29/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Colifert)	68.3	1.0 MPN/100	mL	1	B810955	09/29/08 12:55	09/29/08 12:55	SM 9223B	
----------------------------	------	-------------	----	---	---------	----------------	----------------	----------	--

East E. Coli (8092050-04) Surface Water (Grab) Sampled: 09/29/08 08:33 Received: 09/29/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Colifert)	13.5	1.0 MPN/100	mL	1	B810955	09/29/08 12:55	09/29/08 12:55	SM 9223B	
----------------------------	------	-------------	----	---	---------	----------------	----------------	----------	--

South E. Coli (8092050-05) Surface Water (Grab) Sampled: 09/29/08 08:37 Received: 09/29/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

E. coli, MPN (SW-Colifert)	63.3	1.0 MPN/100	mL	1	B810955	09/29/08 12:55	09/29/08 12:55	SM 9223B	
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Equipment Blank (8092050-06) Surface Water (Grab) Sampled: 09/29/08 08:38 Received: 09/29/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									

Microbiology

Legend Technical Services of Arizona, Inc.

Aria Sutherland

Client Services Representative

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Gary Larsen
Johnson Utilities Co., LLC
968 E. Hunt Hwy
Queen Creek, AZ85242

Project: Daily Fecal Section 11
Project Number: Queen Creek Wash E.Coli (9/29/08)

Reported:
10/01/08 12:12

Equipment Blank (8092050-06) Surface Water (Grab) Sampled: 09/29/08 08:38 Received: 09/29/08 11:20

Analyte	Result	PQL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Legend Technical Services of Arizona, Inc.									
Microbiology									
E. coli, MPN (SW-Colilert)	<1.0	1.0	MPN/100 mL	1	B810955	09/29/08 12:55	09/29/08 12:55	SM 9223B	

Case Narrative:

Holding Times: All holding times were met unless otherwise qualified.
QA/QC Criteria: All analyses met method requirements unless otherwise qualified.
Comments: There were no problems encountered during the processing of the samples, unless otherwise noted.

Notes and Definitions

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Attachment 16

Greg Brown

From: Gary Larsen [glarsen@johnsonutilities.com]
Sent: Friday, March 27, 2009 8:40 AM
To: 'Greg Brown'
Subject: FW: SSO Report, Pecan WRP

From: Gary Larsen [mailto:glarsen@johnsonutilities.com]
Sent: Tuesday, May 27, 2008 9:01 AM
To: 'Bill J. Hare'
Subject: SSO Report, Pecan WRP

Bill,

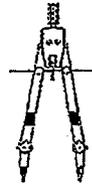
The following is a report of the SSO from the past weekend and the actions taken to prevent this from occurring in the future:

- At approximately 7 PM Saturday (5/17/08) night debris was discovered in the pumps of the lift-station at the Pecan Creek wastewater plant. The debris clogged and damaged one of the pumps causing wastewater to begin backing up into the wastewater gravity system in the subdivision. The gravity system began to clear with both pumps functioning but never fully recovered.
- At approximately 7 AM on Sunday continued debris flow had clogged and disabled the second pump. The pump was pulled and the debris was cleared again. The pump was reinstalled.
- By noon on Sunday it was again discovered that additional debris had continued to accumulate in the pumps of the lift-station of the Pecan Creek wastewater plant. The pump was pulled and the debris was cleared again. The pump was reinstalled again.
- The debris was discovered by JU personnel onsite as part of routine maintenance. Each time one of the wastewater pumps stopped working but one remained working.
- At all times one pump in the lift-station continued to run but could not keep-up with the wastewater flows at that time.
- Over the course of each occurrence approximately 2,500 gallons total of wastewater leaked up through a manhole over a few hour periods. The wastewater traveled through a concrete spillway into a pipe and weir adjacent to the Queen Creek Wash.
- The wastewater was collected by an ADEQ approved pumper truck and was collected at the weir location and disposed-of at the wastewater plant.
- The area was disinfected per ADEQ protocol.
- Attached are copies of the location where the spill occurred. Picture number 011 is where the spill occurred and the other pictures are of the area after clean-up.
- The initial clean-up and disinfection was completed at approximately 11pm Saturday evening and again at 3:00 PM on Sunday.
- Johnson Utilities has installed a portable backup pump capable of pumping 2,100 gpm from the Pecan Creek the lift-station directly to the treatment plant. JU has also staffed 24/7 shifts at this location to insure this does not occur in the future
 - A phone line and auto dialer has been ordered for remote alarm notification and should be installed and operational within two weeks.
 - An upgrade of the lift station is in progress and should be completed within the next 30 days.

Please let me know if you need any additional information at this time.

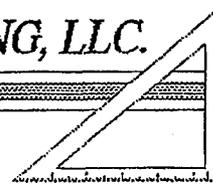
Gary Larsen
Johnson Utilities LLC
(480) 987-9870 x 210
glarsen@johnsonutilities.com

Attachment 17



SPECIFIC ENGINEERING, LLC.

3310 E. SHEA BOULEVARD SUITE 2
SCOTTSDALE, ARIZONA 85254
Phone: (480) 596-6335
FAX: (480) 596-6477



VIA E-MAIL AND US MAIL:

June 12, 2008

David A. Burchard
Water Quality Division
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, Arizona 85012

Re: Emergency Upgrade/Repair of the Pecan WRP Influent Pump Station

Dear Mr. Burchard,

This letter is to notify you we are requiring a waiver of the Notice of Intent for a Construction Authorization for an emergency upgrade/repair and pump replacement for the Pecan WRP influent lift-station. The upgrade will also include larger discharge piping. Pursuant to the Notice of Violation dated June 5, 2008, addressed to Johnson Utilities, L.L.C. ("JU") and our communications with Bill Hare, ADEQ is requiring an emergency replacement of the existing pumps in the lift station with larger, more efficient pumps immediately. Per the email exchange between Mr. Burchard, Mr. Hare both of ADEQ and Gary Larsen of JU it is our understanding that Mr. Hare and yourself decided to have Johnson Utilities, LLC submit this letter for waiver of the NOI, so that Johnson Utilities can complete the emergency upgrade/repairs immediately. Attached is a copy of the performance curve for the proposed pumps. Once these emergency upgrade/repairs are completed, we will then proceed with the NOI process, submit design data, pump specifications, and other pertinent data as required by ADEQ to issue a Construction Authorization, followed up with an engineer's Certification of Completion, and a request for an updated discharge Authorization.

If you have any further questions regarding this subject, please call 480-596-6335.

Sincerely:

Specific Engineering, LLC

Grant Hinderer
Project Manager

Cc: William Hare, (ADEQ)
Steve Olea (ACC)
Pinal County Health Department



PERFORMANCE CURVE

PRODUCT
CP 3300 /605

TYPE
HT

DATE
2008-06-12

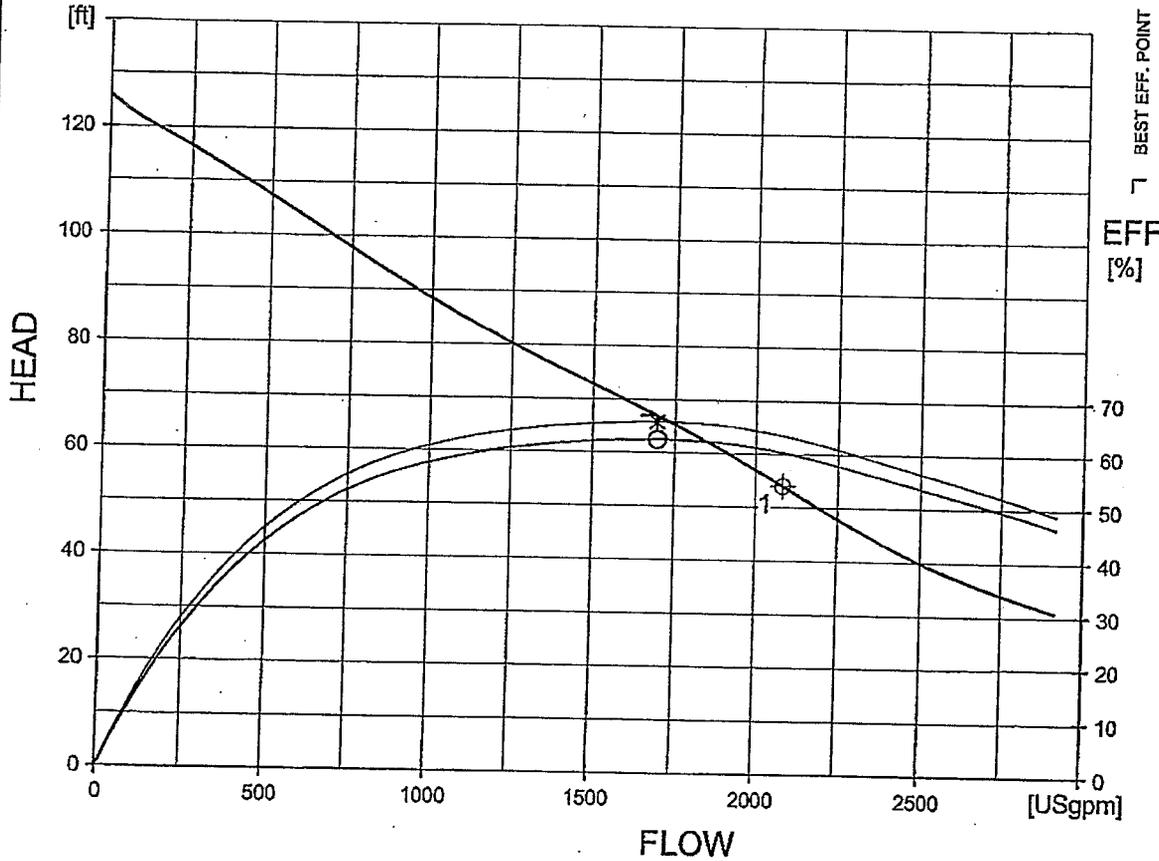
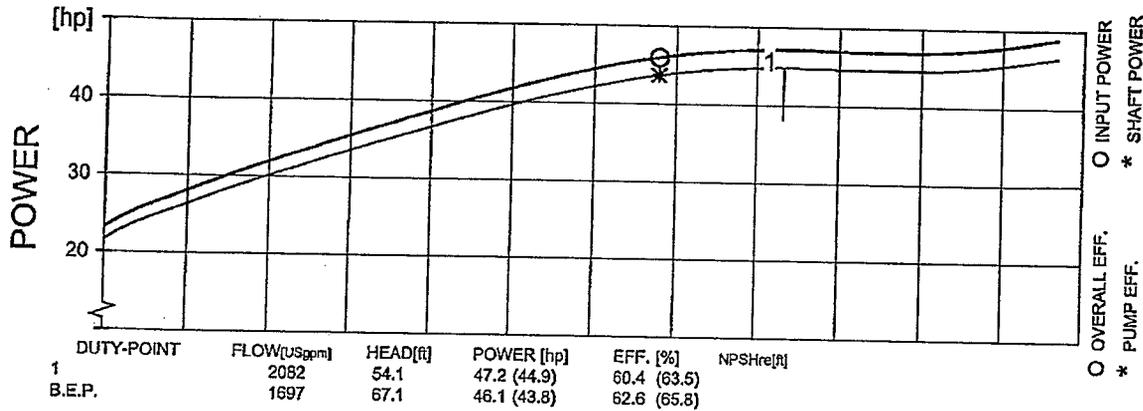
PROJECT

CURVE NO
63-460

ISSUE
7

	1/1-LOAD	3/4-LOAD	1/2-LOAD	RATED POWER	100	hp
POWER FACTOR	0.84	0.80	0.71	STARTING CURRENT ...	560	A
EFFICIENCY	93.5 %	94.5 %	95.0 %	RATED CURRENT ...	120	A
MOTOR DATA	---	---	---	RATED SPEED	1775	rpm
COMMENTS	INLET/OUTLET			TOT.MOM.OF INERTIA ...	0.95	kgm2
	- / 6 inch			NO. OF BLADES	2	
	IMP. THROUGHLET					
	3.0 inch					

IMPELLER DIAMETER 275 mm			
MOTOR #	STATOR	REV	
35-29-4AA	01D	12	
FREQ.	PHASES	VOLTAGE	POLES
60 Hz	3	460 V	4
GEARTYPE		RATIO	
---		---	



FLYPS3.1.5.8 (20060531)

Performance with clear water and ambient temp 40 °C



HI B Curve

Attachment 18

JOHNSON UTILITIES L.L.C.

5230 East Shea Boulevard * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908

August 21, 2008

Asif Majeed
Arizona Department of Environmental Quality
Groundwater Section
Mail Code: 5415B-3
1110 W. Washington Street
Phoenix, AZ 85007

**Re: Pecan WRP Influent Lift Station
ADEQ File #20080375, LTF #48010**

Dear Mr. Majeed:

This letter is in response to the Department's letter dated July 24, 2008, from Mr. Tung Nguyen, ADEQ, regarding the application referenced above. On June 10, 2008, we received an email from Mr. Bill Hare, ADEQ, which requested submittal of an NOI for the replacement of the pumps in the Pecan WRP influent lift station. We followed ADEQ's direction and submitted the NOI. Now ADEQ has determined that the referenced application is not administratively and/or substantively complete because the lift station does not qualify for a Type 4.01 General Permit. It was determined that the lift station is an element of the Pecan Wastewater Reclamation Plant (WRP) in accordance with AAC R18-9-101(36) and (37). The Aquifer Protection Permit (APP) for the Pecan WRP is APP P-105324. Mr. Nguyen advises us that any further repair and/or upgrade to the lift station shall be done under the Individual APP.

Per your verbal request, the following is provided to document the Pecan WRP influent lift station's compliance with the approved Design Report. The approved Design Report, dated January 2005, for the 4 MGD Pecan WRP amendment provided the following:

INFLUENT PUMP STATION

The current lift station was constructed under ADEQ File No. 20040214 for the force main that was designed to provide service for an anticipated initial development (consisting of approximately 1,350 single family residential units located in Pecan Ranch) that would occur prior to completion of the Pecan WRP. The force main was designed and constructed to discharge into the Unit 4A Pump Station (ADEQ No. 19990364), located approximately 5 miles south that serves the Precision Wastewater Treatment Plant (ADEQ No. P-105004). The installed pumps are Hydromatic, Model S4TX, 500 gpm, 170 TDH, 75 HP, variable speed.

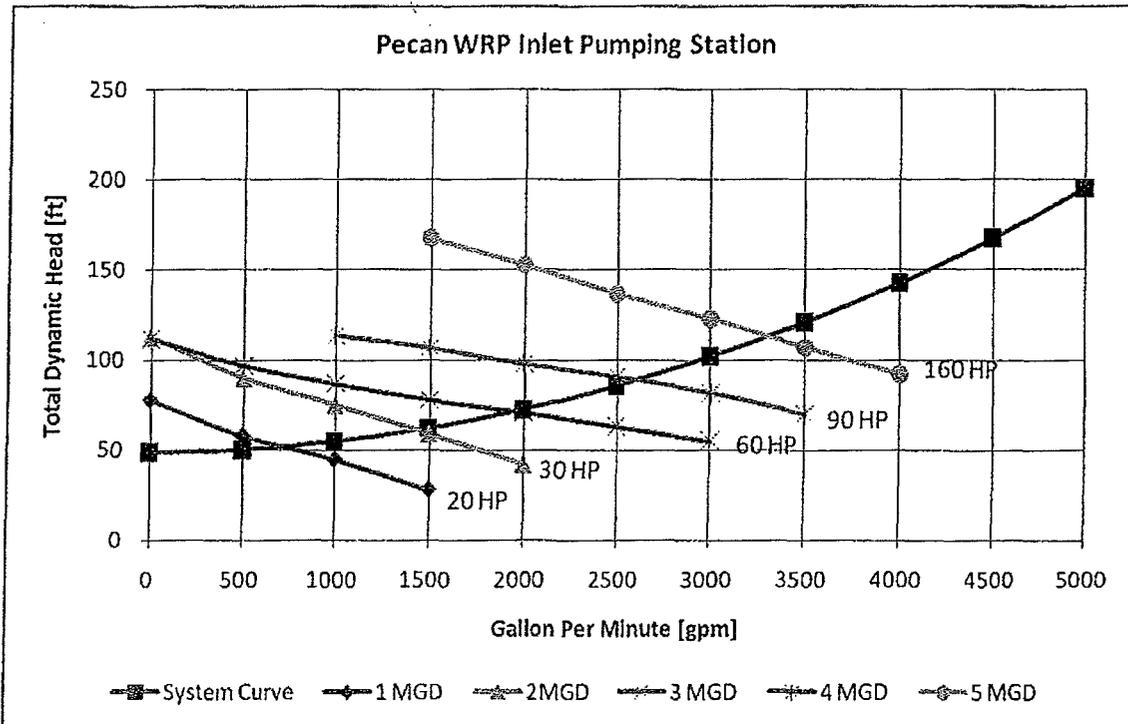
When this lift station serves as the influent pump station, the total dynamic head into the plant will be around 104 feet of TDH for phases 1 and 2. See the attached wastewater pump head calculations. From the attached pump curve, each pump will flow 1,812 gpm (2.61 MGD) at 1,750 rpm and 104 ft TDH, which exceeds the maximum monthly average of 1,389 gpm (2.0

MGD) for phases 1 and 2. When both pumps are operated, their combined flow is 3,625 gpm that meets the peak hourly flow of 5.22 MGD for phases 1 and 2. Phases 3 and 4 will be served by a separate pump station. The location will be determined in the future based on the location and size of future subdivisions.

Phase	Total Head (ft)	Pump 1 (gpm)	Pump 2 (gpm)	Total Flow (gpm)	Monthly Average Flow (gpm)	Peak Flow (gpm)
1	66	1013	1013	2027	695	2027
2	104	1812	1812	3625	1389	3625
3	TBD	TBD	TBD	TBD	2083	5062
4	TBD	TBD	TBD	TBD	2778	6417

TBD - To Be Determined

The system curve, adjusted to current conditions, is shown in the following chart, "Pecan WRP Inlet Pumping Station". The current average daily flow at the plant is 1.4 MGD with a peak hourly flow of 2.1 MGD (1460 gpm). This peak flow can be handled by the 30 HP pump shown for a flow of 2 MGD (1500 gpm). At build-out, the pump required for Phase 2 is equivalent to the 60 HP pump shown for a 3 MGD (2000 gpm) flow.



On June 5, 2008, ADEQ issued a Notice of Violation, Case ID #:97512. ADEQ ordered Johnson Utilities to install the 75 HP pump as described in APP P-105324. As stated above, the 75 HP pump described in the APP was approved for the lift station pumping to Unit 4A Pump Station

Asif Majeed
August 21, 2008
Page 3 of 3

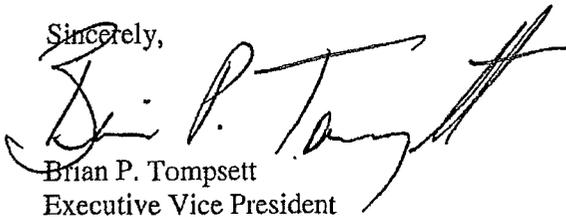
under ADEQ's File No. 20040214. ADEQ was requesting Johnson Utilities to install a pump rated at 500 gpm, 170 TDH, 75 HP.

The correct method to select a pump is to determine the required flow and the total dynamic head developed at that flow. A selection based on horsepower will result in poor performance. Based on the correct method of selecting the best pump for the conditions, a Flygt NP 3171.180, 1500 gpm, 62 TDH, 30 HP, pump could be recommended for the current conditions, see attached Flygt performance curve. These pumps have less horsepower than the pumps that were being used at the time of the wastewater spill.

To comply with the NOV, Johnson Utilities installed Flygt CP 3300 pumps (see attached Flygt performance curve) that are rated at 1800 gpm, 62 TDH, 100 HP. These pumps are consistent with the Design Report for Phase 2 at build-out. With the submittal of this letter, no further action by Johnson Utilities is required with respect to the Pecan WRP lift station.

If you should have any questions or comments, please contact me or Greg Brown at (480) 998-3300.

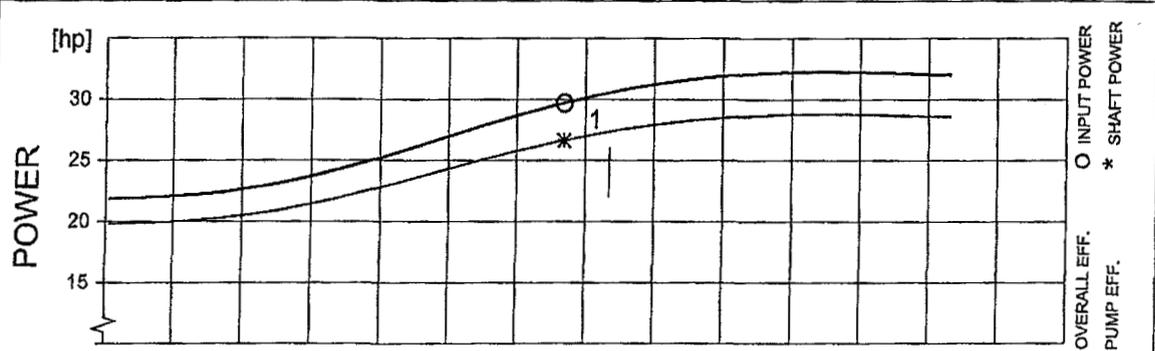
Sincerely,



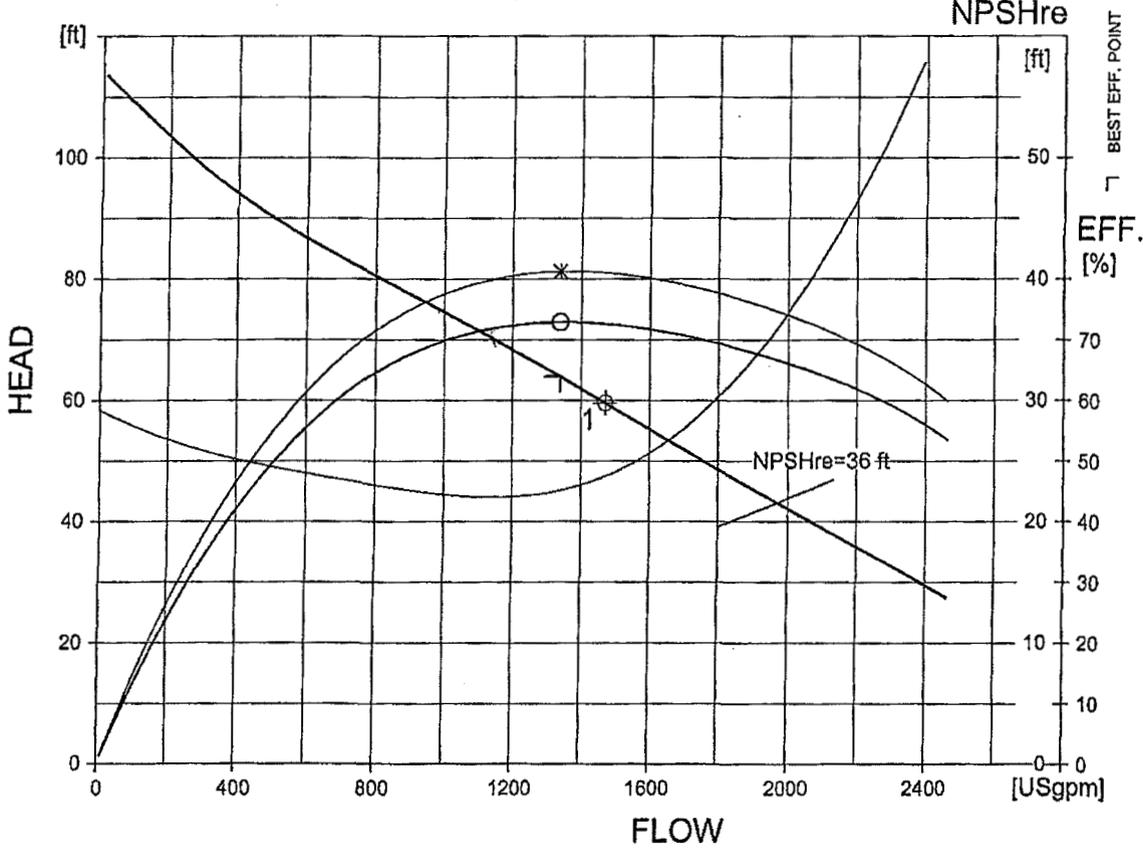
Brian P. Tompsett
Executive Vice President

Cc: Bill Hare, Water Quality Field Service Compliance, ADEQ
John Gibbons, Manager Water Quality Field Service Compliance, ADEQ
Gary Larsen, Operations Manager, Johnson Utilities
Greg Brown, Johnson Utilities
Grant Hinderer, Specific Engineering, L.L.C.

FLYGT		PERFORMANCE CURVE			PRODUCT NP3171.180	TYPE MT	
DATE 2008-08-14	PROJECT				CURVE NO 63-434-00-6030	ISSUE 4	
POWER FACTOR	1/1-LOAD 0.83	3/4-LOAD 0.78	1/2-LOAD 0.66	RATED POWER 30 hp	IMPELLER DIAMETER 255 mm		
EFFICIENCY	89.5 %	90.5 %	90.0 %	STARTING CURRENT ... 257 A	MOTOR # 25-17-4AA	STATOR 07YSER	
MOTOR DATA	---	---	---	RATED CURRENT ... 38 A	REV 11		
COMMENTS	INLET/OUTLET -/ 6 inch		RATED SPEED 1760 rpm	FREQ. 60 Hz	PHASES 3	VOLTAGE 460 V	POLES 4
	IMP. THROUGHLET ---		TOT.MOM.OF INERTIA ... 0.16 kgm2	GEARTYPE ---		RATIO ---	
			NO. OF BLADES 2				



DUTY-POINT	FLOW[USgpm]	HEAD[ft]	POWER [hp]	EFF. [%]	NPSHr[ft]
1	1471	59.6	30.6 (27.4)	72.6 (81.0)	23.8
B.E.P.	1338	64.0	29.8 (26.7)	72.9 (81.2)	22.6

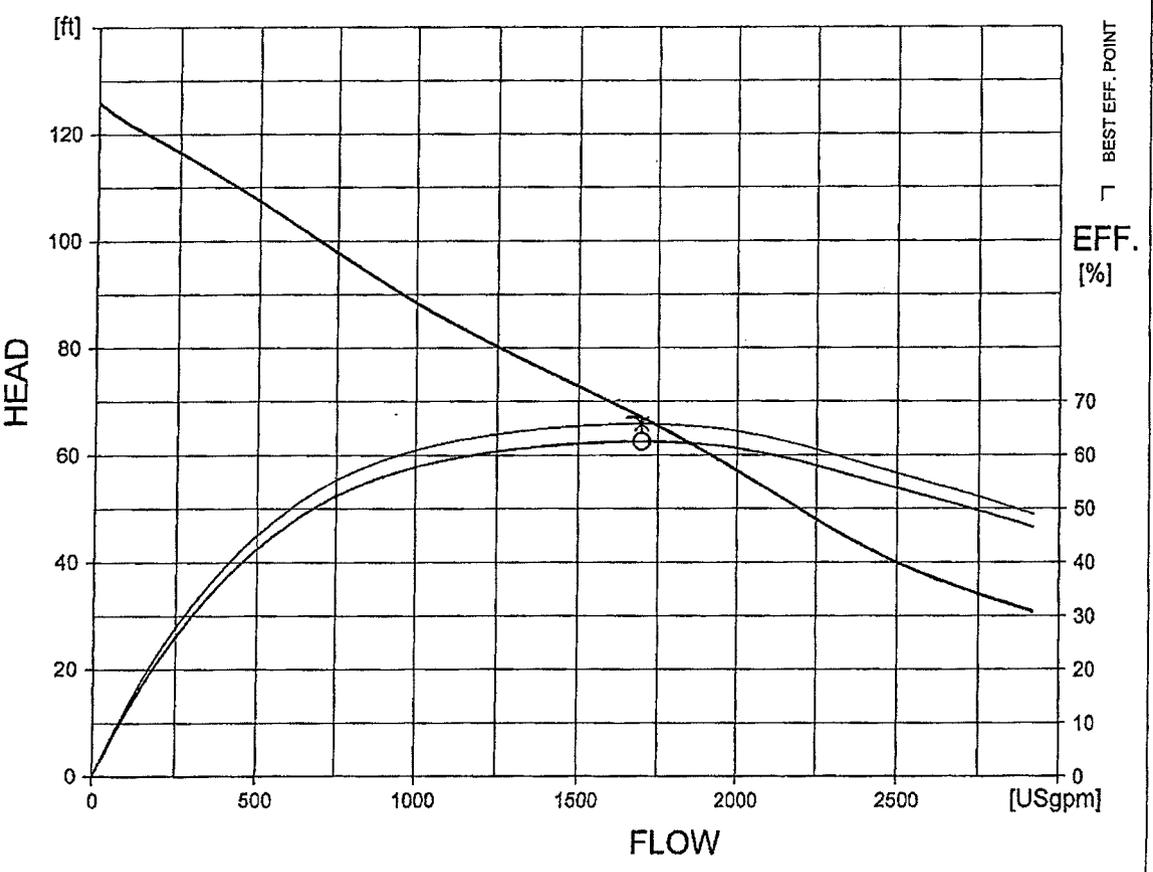
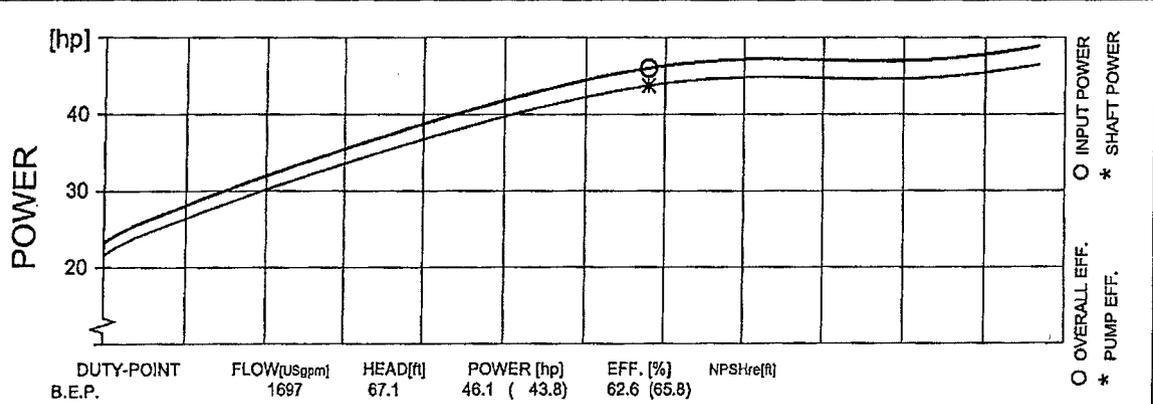


FLYPS3.1.2.0 (20050224)

NPSHr = NPSH3% + min. operational margin
Performance with clear water and ambient temp 40 °C

FLYGT **HI B Curve**

		PERFORMANCE CURVE			PRODUCT	TYPE	
DATE		PROJECT			CURVE NO	ISSUE	
2008-08-14					63-460	7	
POWER FACTOR	1/1-LOAD	3/4-LOAD	1/2-LOAD	RATED POWER	IMPELLER DIAMETER		
	0.84	0.80	0.71	100 hp	275 mm		
EFFICIENCY	93.5 %	94.5 %	95.0 %	STARTING CURRENT ...	MOTOR #	STATOR	
MOTOR DATA	---	---	---	560 A	35-29-4AA	01D	
COMMENTS	INLET/OUTLET			RATED CURRENT ...	FREQ.	PHASES	REV
	- / 6 inch			120 A	60 Hz	3	12
	IMP. THROUGHLET			RATED SPEED	VOLTAGE	POLES	
	3.0 inch			1775 rpm	460 V	4	
				TOT.MOM.OF INERTIA ...	GEARTYPE		RATIO
				0.95 kgm2	---		---
				NO. OF BLADES			
				2			



FLYPS3.1.2.0 (20050224)

	HI B Curve
--	-------------------

Performance with clear water and ambient temp 40 °C

Attachment 19

JOHNSON UTILITIES, L.L.C

5230 East Shea Boulevard * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908

August 12, 2009

Asif Majeed
Arizona Department of Environmental Quality
Groundwater Section
Mail Code: 5415B-3
1110 W. Washington Street
Phoenix, AZ 85007

Re: Pecan WRP APP No. P-105324, LTF #48606

Dear Mr. Majeed:

This letter is in response to the Department's request made during the July 13, 2009, meeting between Arizona Department of Environmental Quality (ADEQ) and Johnson Utilities, L.L.C. (JU). ADEQ requested that JU submit a letter to again explain in more detail the adequacy of the installed influent pumps and to change LTF #48606 to a significant amendment for the review of the minor changes made to the vadose zone wells. The following is provided to document the adequacy of the influent pumps and the minor changes made to the vadose zone wells.

INFLUENT PUMPS:

On August 21, 2008, JU sent you a letter explaining the adequacy of the influent pumps. At that time the current average daily flow at the plant was 1.4 million gallons per day (MGD) with a peak hourly flow of around 2.1 MGD. It has already been documented and was shown to ADEQ that this peak flow could be handled by a 30 HP pump. Subsequent to this submittal, ADEQ requested the installation of 2-5.22 MGD pumps based on the original design report. The May 20, 2008, inspection report stated in the Summary of Inspection that the lift station's two 35 HP submersible Flygt Pumps were purported to have a pumping capacity of 700 gallons per minute (gpm). As we reported in our August 21, 2008, letter a 30 HP pump can discharge 1,500 gpm each. Therefore, the purported capacity of 700 gpm is in error.

In compliance with the June 5, 2008, NOV, ID 97512, issued by ADEQ two Flygt CP 3300, 100 hp pumps were installed. These pumps are capable of pumping 1,750 gpm. See the attached System Curve and Pump Curve, Flygt CP 3300, and the Flygt VFD Analysis Performance product data sheet. They have now been replaced with two Flygt NP 3301, 85 hp, pumps capable of pumping 2,250 gpm. These pumps not only exceed the pumping capacity of the 100 hp pumps but still exceed ADEQ's DOCUMENTING COMPLIANCE requirement III (4) in the June 5, 2008 NOV. Copies of the VFD Analysis, Performance Curve, and Dimensional Drawing of this pump are attached. As stated in Flygt's literature, "The N-Pumps maintain a high level of pumping efficiency, even in fluids with a high solids and fibrous content, thanks to a unique

open-type self cleaning impeller. This is complemented by a special relief groove in the volute. This design greatly reduces the risk of clogging by the self cleaning flow path through the pump. The result is lower power consumption, even under the worst conditions". These pumps are superior to the C-Pumps which are not self cleaning and are prone to clogging when subjected to large amount of solids.

The original design report, approved by ADEQ, states that the peak hourly flow would be 5.22 MGD (3,625 gpm). This was calculated using *Recommended Standards for Wastewater Facilities, Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers*, 1997, Figure 1, Ratio of Peak Hourly Flow to Design Average Flow. This standard states in Chapter 10 that "Projections shall be made from actual flow data to the extent possible". The design report was written in 2004 before there was adequate existing flowrate data to evaluate.

In order to explain the adequacy of the installed influent pumps, an analysis of flow data over a period of two years was conducted. Metcalf and Eddy (2003) states on page 200 that "Where flowrate data are available, preferably for at least 2 years, future flowrates for design can be predicted with a reasonable certainty".

During the last two years, the Johnson Utilities' wastewater plants received a total average daily flow of 3.84 MGD. During that same period, the peak daily flow was 4.61 MGD. The peaking factor, PF, is defined as
$$PF = \frac{\text{peak flowrate}}{\text{average flowrate}}$$
 Over the last two years the $PF = 4.61 \text{ MGD} / 3.84 \text{ MGD} = 1.2$. A previous analysis of the Pecan WRP daily flows showed that the peak diurnal flow is 1.4 times the daily flow. This diurnal flow is equivalent to that as provided in Metcalf and Eddy (2003). The peak hourly flow is determined by multiplying the average daily flow by the daily peaking factor and the hourly peaking factor. Therefore the peak hourly flow at the Pecan Water Reclamation Plant (WRP) with an average daily flow of 2.0 MGD is $2.0 \text{ MGD} \times 1.2 \times 1.4 = 3.36 \text{ MGD}$ (2333 gpm). The attached Pecan WRP System Curve-Pump Curve chart presents the Pecan WRP influent pump station system curve superimposed with pump curves for the installed Flygt NP 3301, 85 hp pumps. As shown, a single pump can handle 2250 gpm, which is only 83 gallons less than required maximum hourly flow. However, it is capable of handling the alert level flow of $1.9 \text{ MGD} \times 1.2 \times 1.4 = 3.19 \text{ MGD}$ (2216 gpm) which is the maximum capacity required before the construction and operation of Phase III. During the last 6 months, the Pecan WRP has averaged a daily flow of 1.44 MGD (1,000 gpm) with a peak daily flow of 1.72 MGD (1,200 gpm) and a peak hourly flow of 2.42 MGD (1,680 gpm). As shown the attached system and pump chart, a single pump can handle the current flows at the plant

In the design of a wastewater treatment plant, inflow and infiltration must also be taken into account. Infiltration is leakage into the collection system due to the presence of high groundwater. Since the water table in the area served by the Pecan WRP is around 300 feet below grade there is no infiltration. Inflow into the collection system is a result of leakage during periods of stormwater runoff. There has been no increase in flows to the wastewater treatment plants after any storm event. This can be seen in the attached JU Wastewater Flow chart where the daily flows and precipitation have been plotted since 2003. The collection system

experiences no inflow for several reasons. The entire system was built after 1996 in accordance with ADEQ rules and MAG standards. All sewer lines are tested for leaks in accordance with A.A.C. R18-9-E301(D)(2)(j) and (4)(f). No stormwater sewer connections of any kind are allowed.

At present there are two force mains that discharge into the influent pump station. The predicted flow from these force mains is 2.48 MGD. The gravity mains discharging into the influent pump station have a predicted flow of 1.3 MGD. For Phases III and IV, the plan is to route the force mains to directly discharge into the fine screen splitter box. This reduces the peak flow to the influent pumps to $1.3 \text{ MGD} \times 1.2 \times 1.4 = 2.18 \text{ MGD}$ (1,517 gpm).

Based on actual wastewater flows and future plans for Phases III and IV, the table as presented in Chapter 3 of the approved design report has been updated as follows:

Phase	Peak Total Head (ft)	Pump 1 Flow (gpm)	Pump2 Flow (gpm)	Two Pumps On (gpm)	Monthly Average Flow (MGD)	Peak Hourly Flow (gpm)
1	-	-	-	-	-	-
2	78.8	2,250	2,250	3,300	2.0	2,333
3	61.7	1,517	1,517	2,400	1.3	1,517
4	61.7	1,517	1,517	2,400	1.3	1,517

Table 2-1, Chapter 2, of the approved design report has also been revised to show the peak flows for Phases 2-4, which is attached.

VADOSE ZONE WELLS:

By means of this letter, we request that ADEQ amend the APP No. P-105324 under LTF #48606 to show the actual location and depth of the existing constructed vadose zone wells as reported to ADEQ in our December 5, 2008, letter. The letter was sent in accordance with the "Vadose Zone Recharge Wells" section of the Compliance Schedule, Section 3, of the Aquifer Protection Permit (APP) P-105324 required documentation of the installation and testing of the vadose zone wells at the Pecan Water Reclamation Plant. As reported, the wells have been tested and will recharge up to 4.4 MGD.

ADEQ stated in the July 13, 2009, meeting that they had concerns as to whether the POC is in the right location and to the possibility of the recharged effluent daylighting. The location of the POC is correct for the location of the vadose zone wells. The wells were moved within the plant property and disbursed evenly. The groundwater direction passes through the area of the wells the same as it did when the wells were located along the property boundary. This is shown clearly on the drawing submitted with the December 5, 2008, letter, which is attached.

Asif Majeed
August 12, 2008
Page 4 of 4

A review of the well driller logs for the two onsite wells do not show any soil conditions that may cause mounding or lead to daylight. The vadose zone wells were constructed to a depth of 30-40 ft. That puts them in the gravel, with sand and clay layer that extends from 10 to 60 feet. This layer overlays a sandy clay layer that extend from 60 to 180 feet. The ground elevation at the plant is around 1482 feet above mean seal level (amsl). If the recharge effluent moved laterally above the sandy clay at an elevation of 1422 ft amsl, it would be below the Queen Creek wash just north of the plant with a surface elevation of around 1452 ft amsl. Please see the attached drawing label Exhibit 1, Pecan WRP Leach Field in Queen Creek Wash Existing conditions.

COMPREHENSIVE REQUEST RESPONSE, LTF #48606

This is in reply to Bob Manley's comprehensive request for additional information letter dated February 18, 2009. The groundwater depth in MW-1 is 288 feet as of 8/11/09, or 22 above the top of the screened interval. In the *Pecan Underground Storage Facility, Underground Storage Facility and Water Storage Permit Application*, July 2009 prepared by HydroSystems, Inc., the aquifer is reported to be 842.5 feet thick. That puts us within the top 97% of the aquifer which is representative of the upper part of the aquifer and should be sufficient to comply with A.A.C R18-9-A202(A)(8).

If you should have any questions or comments, please contact me or Greg Brown at (480) 998-3300.

Sincerely,



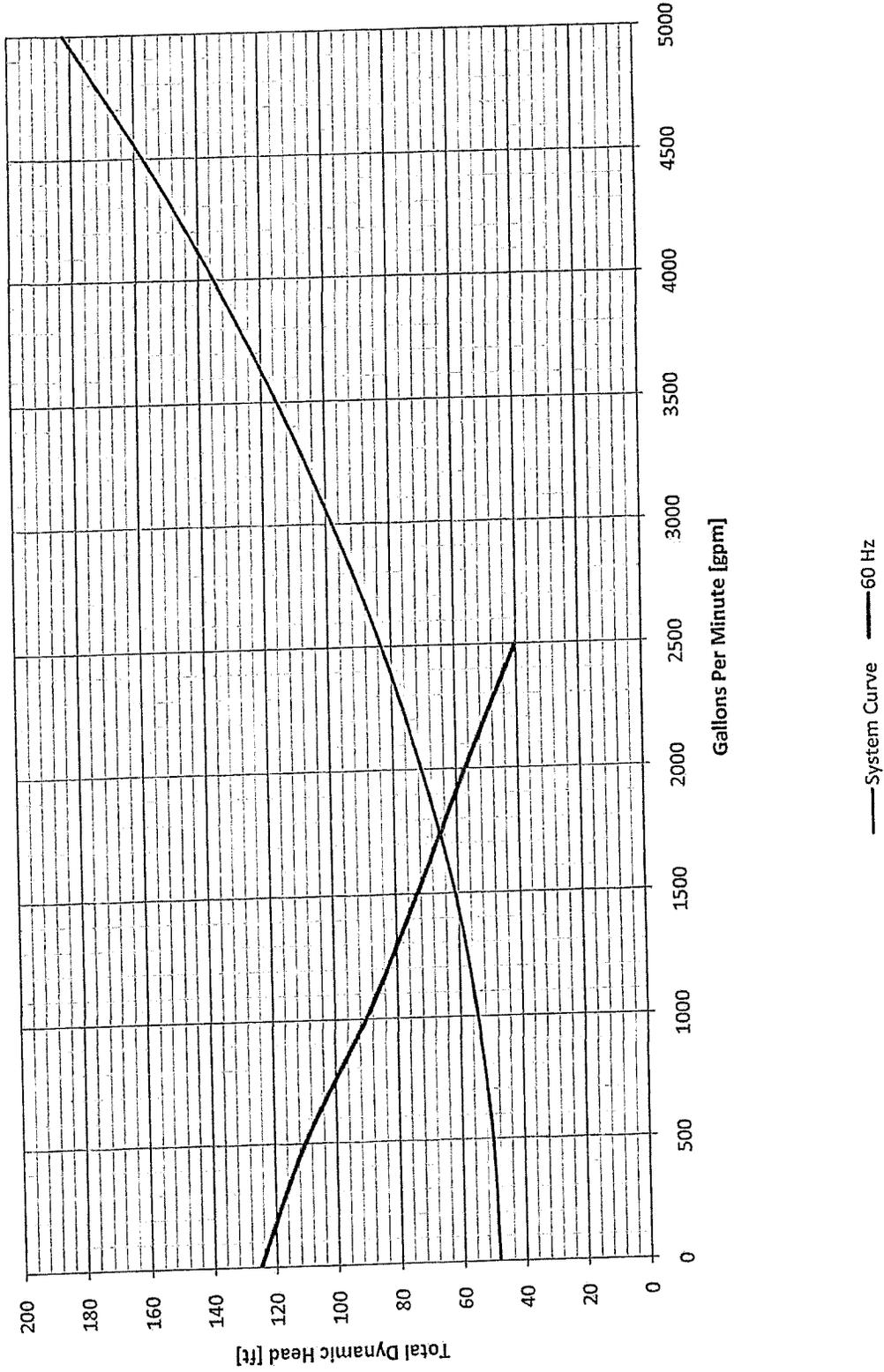
Brian P. Tompsett
Executive Vice President

Cc: Bob Manley, Project Manager, APP and Reuse Unit I, ADEQ
Greg Brown, Johnson Utilities
Grant Hinderer, Specific Engineering, L.L.C.

Enclosures: Pecan WRP System Curve and Pump Curve, Flygt CP 3300
Flygt VFD Analysis, CP 3300
Flygt VFD Analysis, NP 3301.180
Flygt Performance Curve, NP 3301.180
Flygt Dimensional Drawing, NP 3301 HT
Pecan WRP System Curve and Pump Curve, Flygt NP 3301
Johnson Utilities Wastewater Flow
Revised Page 2-1, 8/7/09
Sheet 2 of 2, 4.0 MGD Pecan WRP Phase 1-4
Exhibit 1, Pecan WRP Leach Field in Queen Creek Wash Existing Conditions

Johnson Utilities, L.L.C.

Pecan WRP Inlet Pumping Station System Curve - Pump Curve, Flygt CP 3300, 100 HP



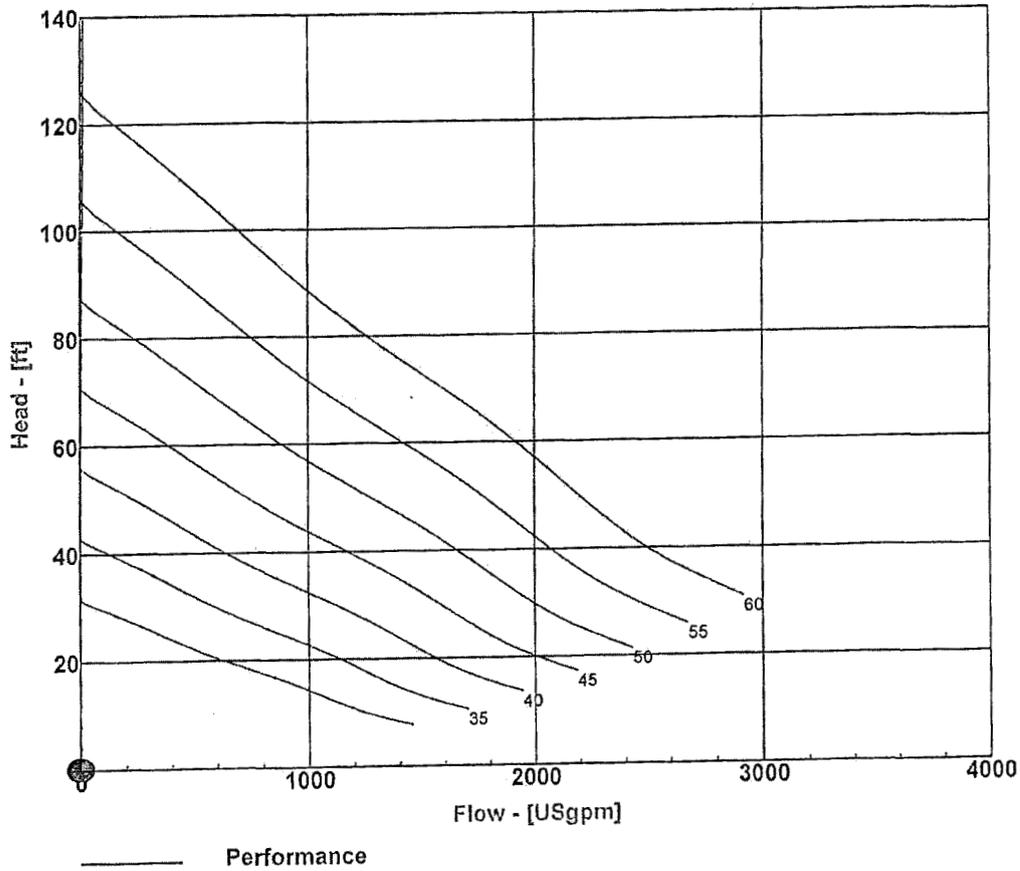


VFD-Analysis - Performance



Project: Pecan WRP

Created by:: Greg Brown



Pump: C 3300 63-460
PRODUCT DATA
Imp. diam.: 275 mm
Rtd. pwr.: 100 hp
Vanes: 2
Throughlet: 3 inch

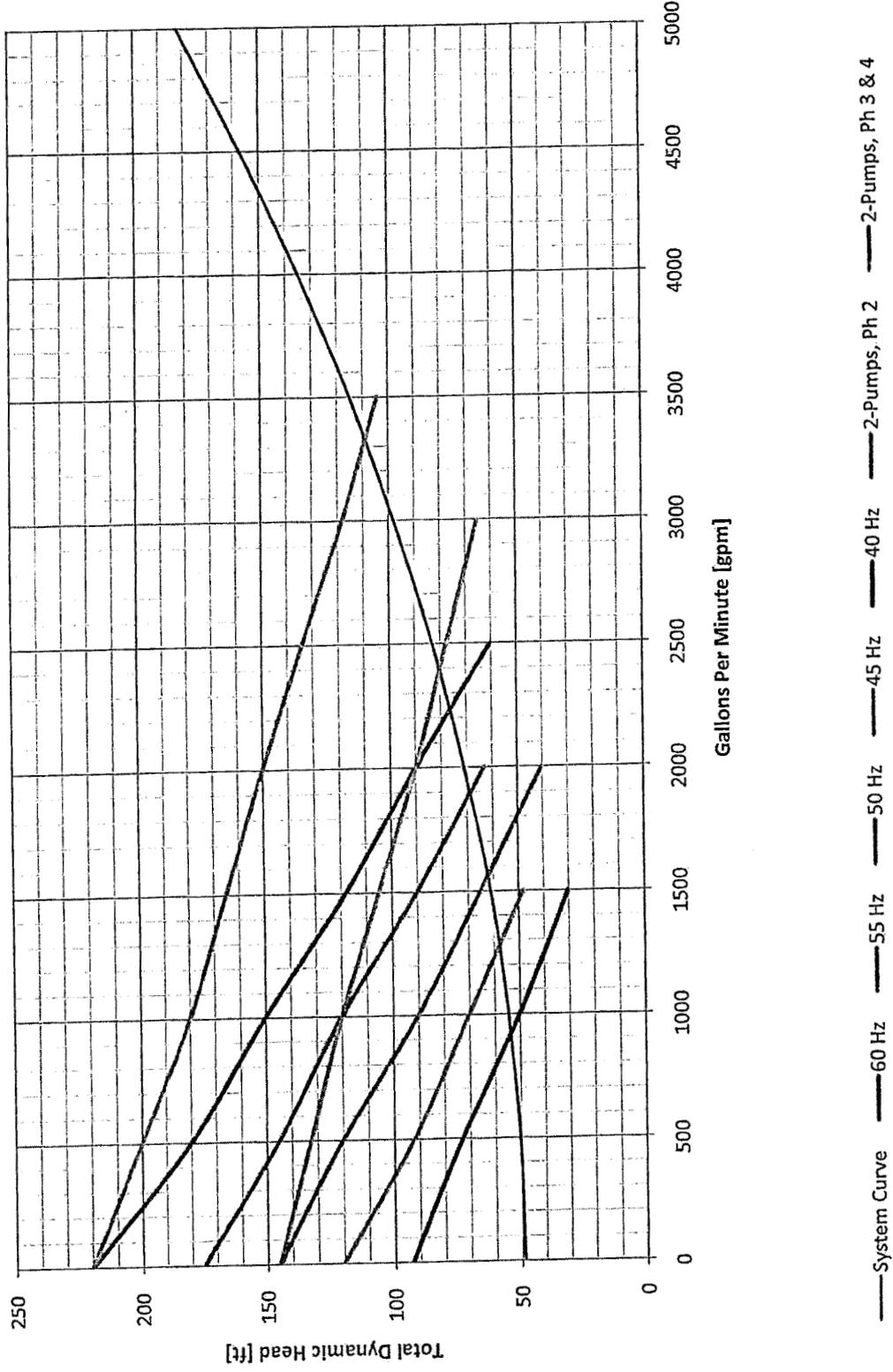
Connection: Parallel
VFD connection: 1-VFD pump
No of pumps: 1
Frequency: 60 Hz

Flygt



Johnson Utilities, L.L.C.

Pecan WRP Inlet Pumping Station
 System Curve - Pump Curve, Flygt NP 3301, 85 HP, 350 mm Impeller

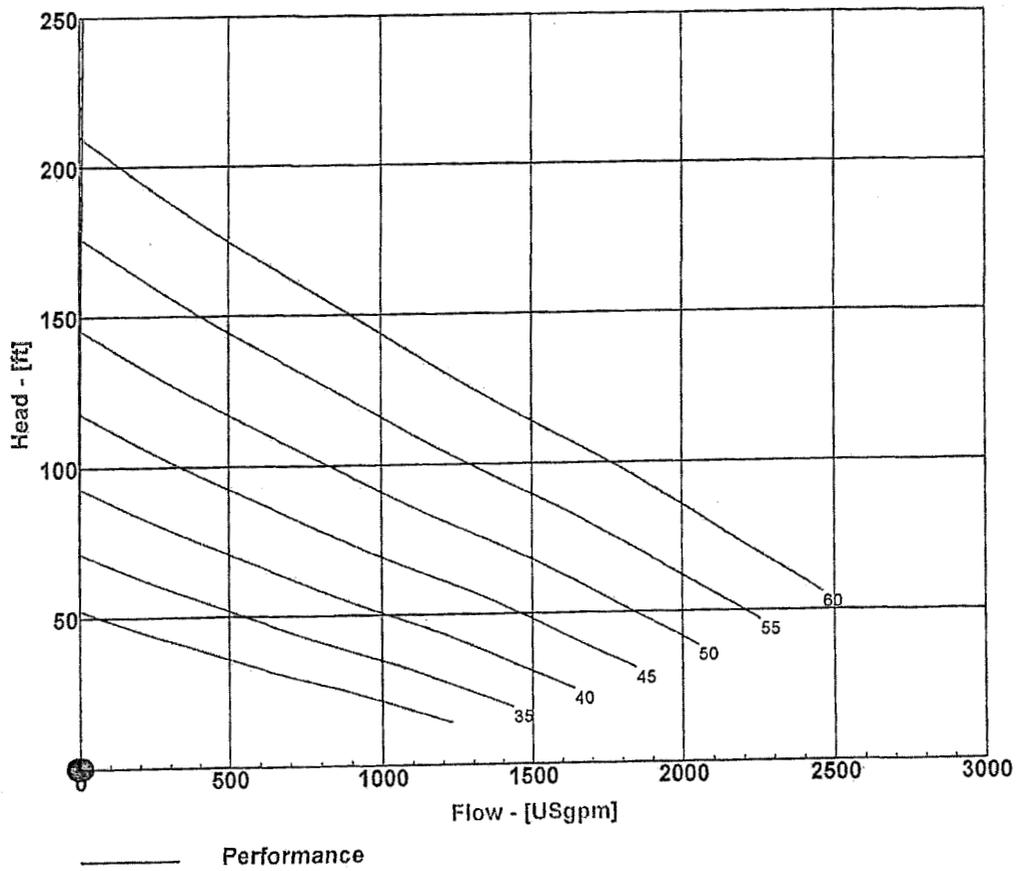




VFD-Analysis - Performance



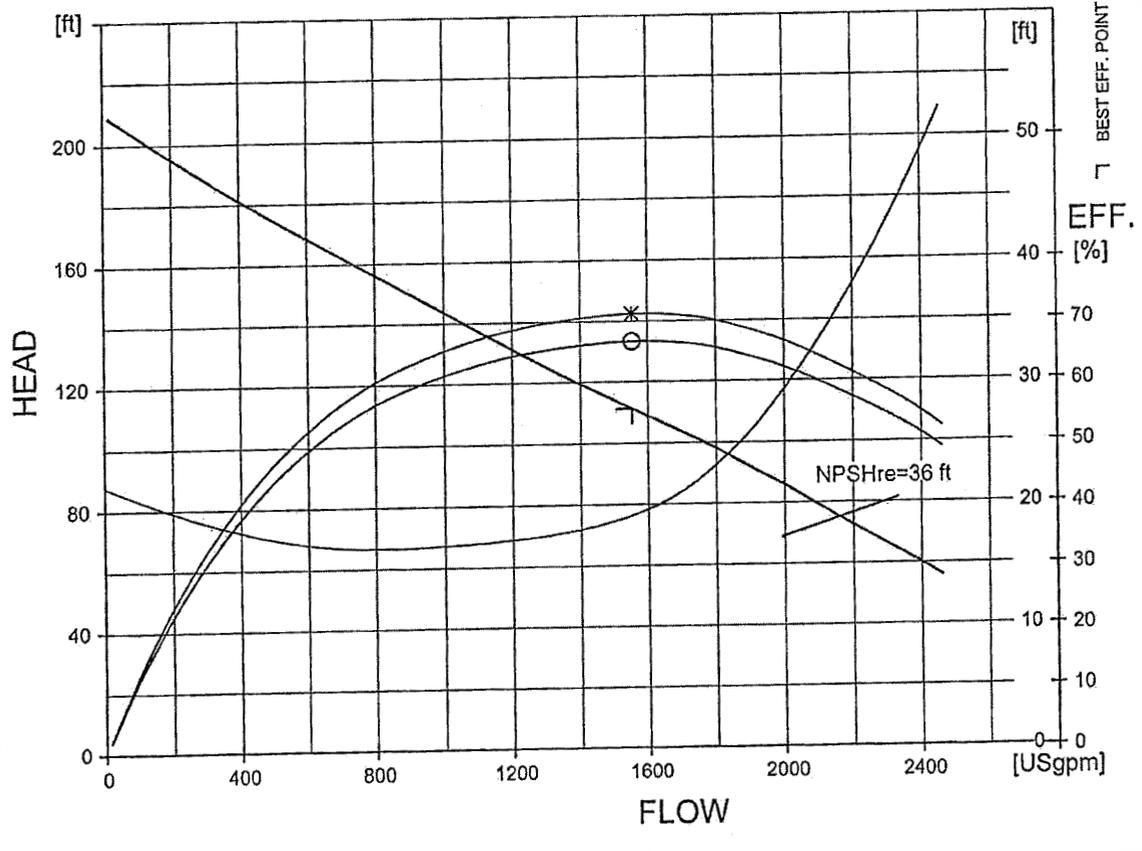
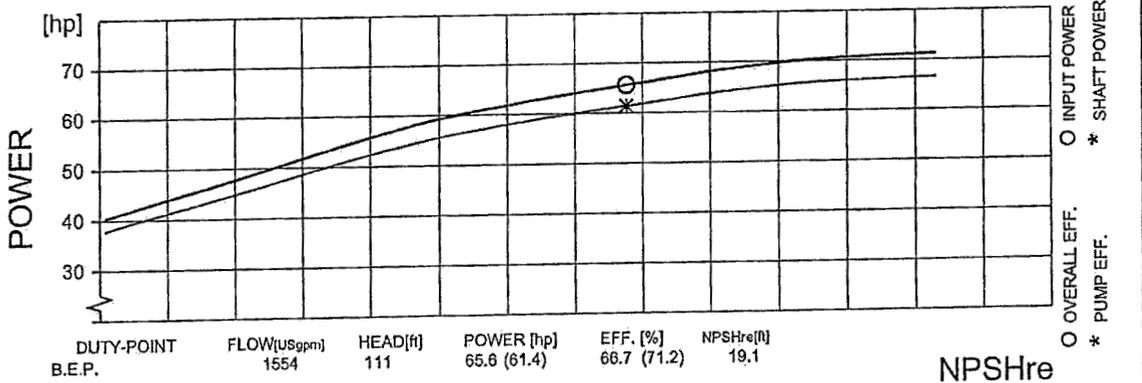
Project: Pecan WRP
Created by:: Greg Brown



Pump: N 3301 63-466-00-0150
PRODUCT DATA
Imp. diam.: 350 mm
Rtd. pwr.: 85 hp
Vaness: 2

Connection: Parallel
VFD connection: 1-VFD pump
No of pumps: 1
Frequency: 60 Hz

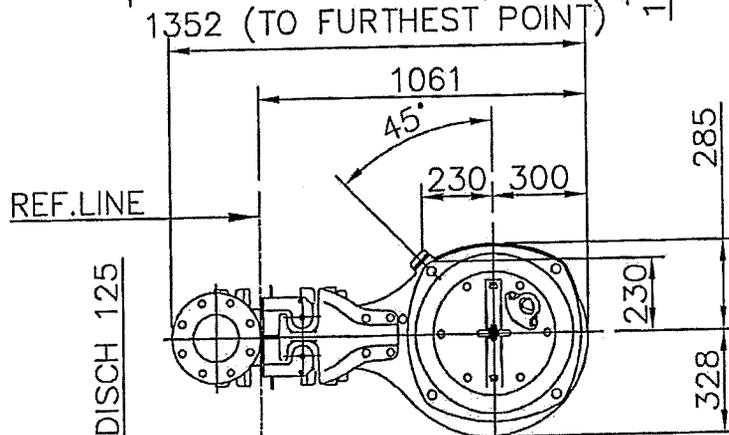
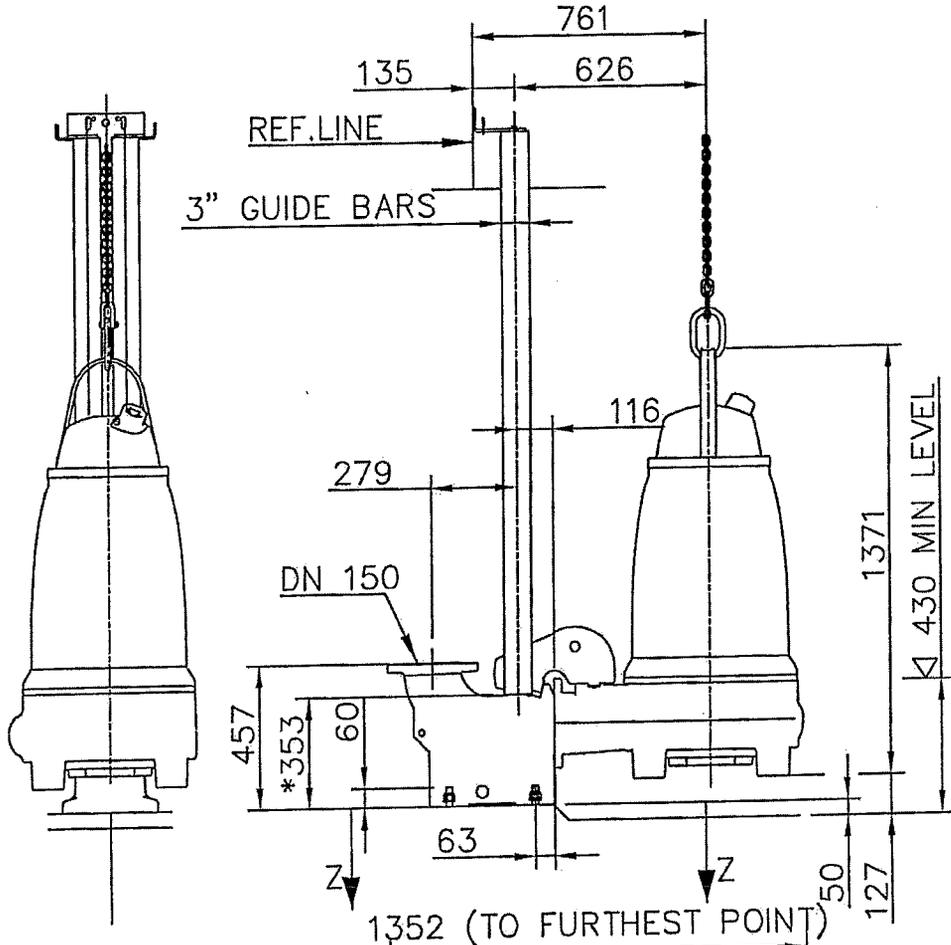
		PERFORMANCE CURVE			PRODUCT NP3301.180	TYPE HT
DATE 2009-08-10	PROJECT Pecan WRP				CURVE NO 63-466-00-0150	ISSUE 1
POWER FACTOR	1/1-LOAD 0.85	3/4-LOAD 0.83	1/2-LOAD 0.76	RATED POWER 85 hp	IMPELLER DIAMETER 350 mm	
EFFICIENCY	92.5 %	93.5 %	94.0 %	STARTING CURRENT ... 430 A	MOTOR # 35-25-4AA	STATOR REV 01D
MOTOR DATA	---	---	---	RATED CURRENT ... 101 A	FREQ. 60 Hz	VOLTAGE 460 V
COMMENTS	INLET/OUTLET - / 6 inch		RATED SPEED 1775 rpm	FREQ.	PHASES 3	POLES 4
	IMP. THROUGHLET ---		TOT.MOM.OF INERTIA ... 0.80 kgm2	GEARTYPE		RATIO
			NO. OF BLADES 2			



FLYPS3.1.5.7 (20080531)

NPSHr = NPSH3% + min. operational margin
Performance with clear water and ambient temp 40 °C

	HI B Curve
--	-------------------



* DIMENSIONS TO END OF GUIDE BARS

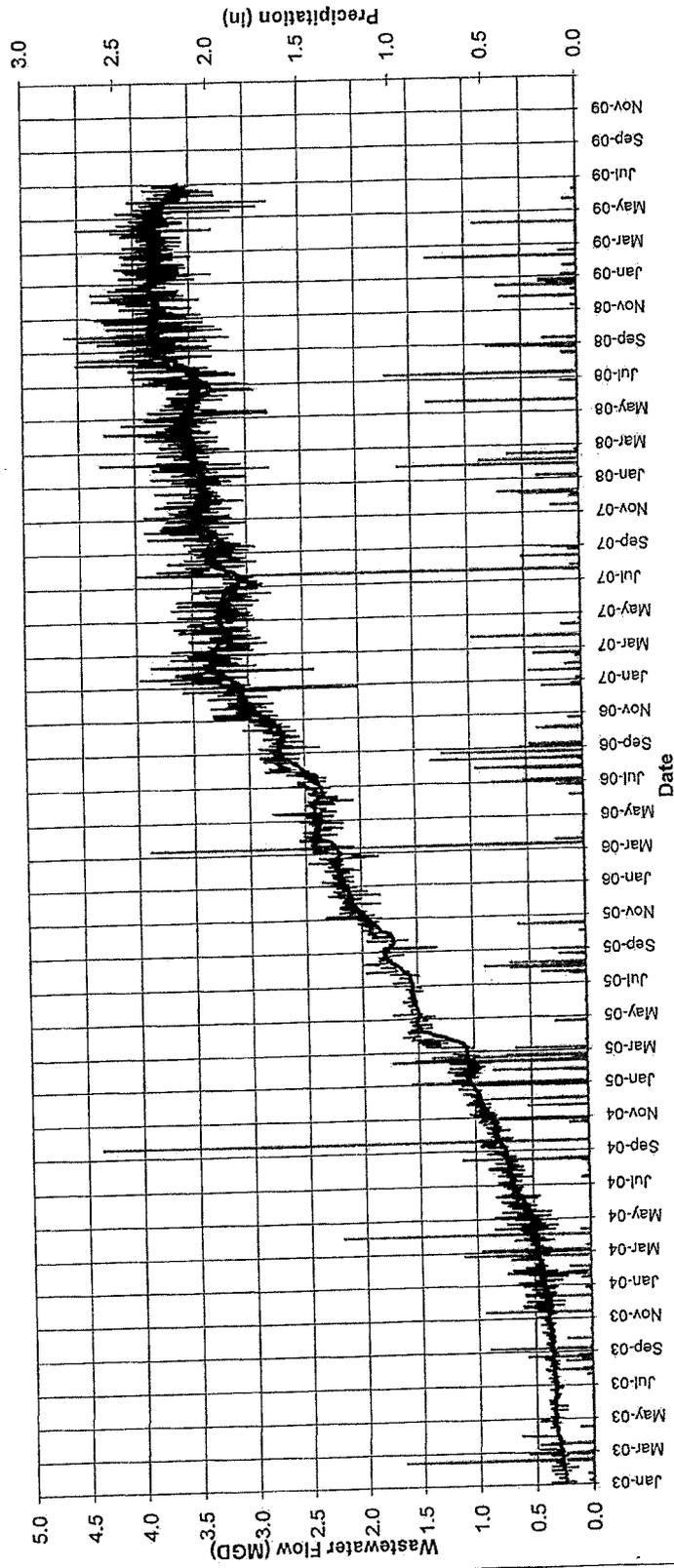
Weight (kg)
Pump with cooling jacket
850
Pump without cooling jacket
780
Discharge connection
91

AUTOCAD
DRAWING

Denomination
Dimensional drwg
NP 3301 HT
DN 150

Drawn by MSu	Checked by SB	Date 070820
Scale 1:20	Reg no 5399	
6844400		5

Johnson Utilities, L.L.C.
Wastewater Flow



— Daily Flow — Precipitation — 30 Day Average Flow

CHAPTER 2

DESIGN CRITERIA

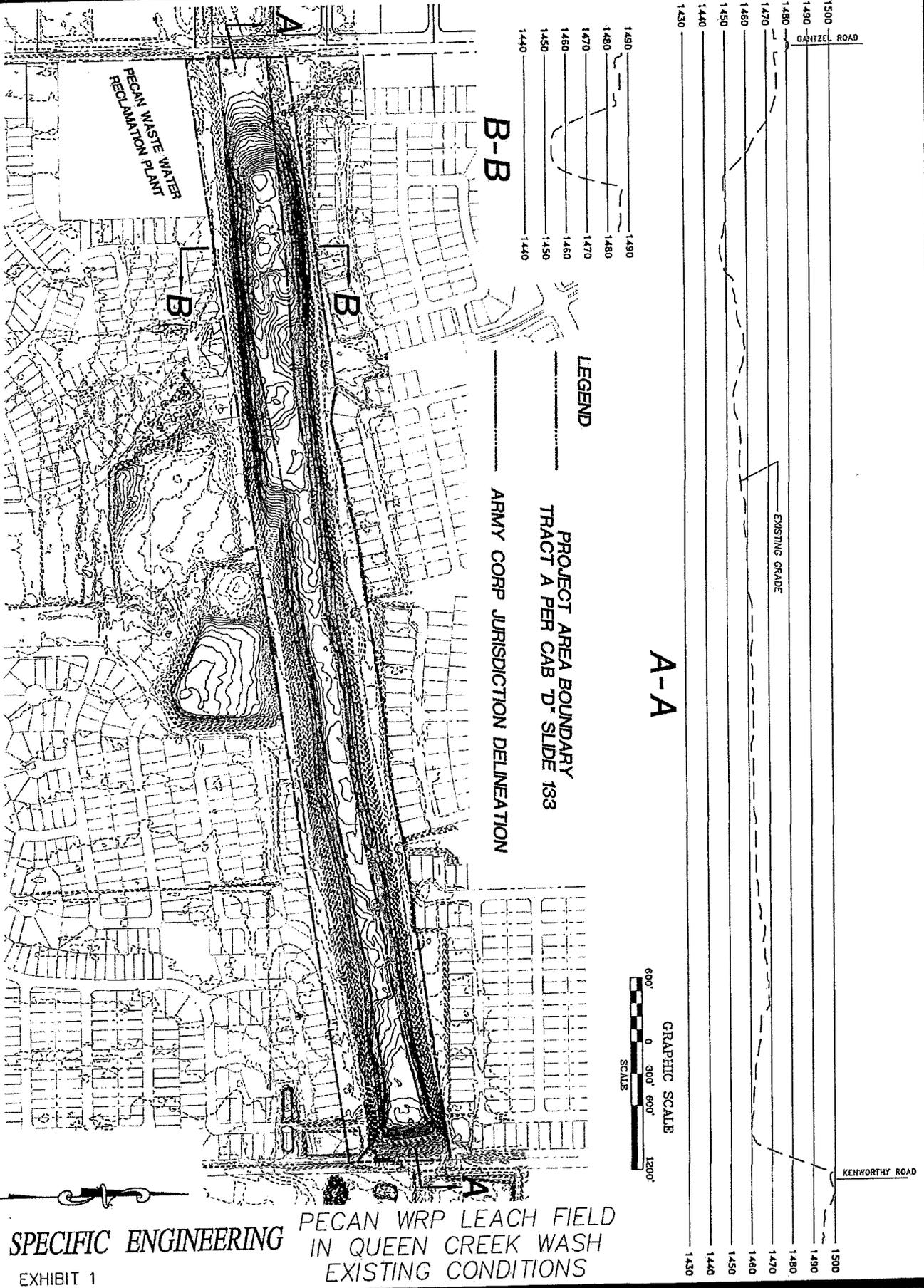
2.1 HYDRAULIC DESIGN CRITERIA

The Pecan WRP is designed to have an ultimate maximum average monthly flow of 4.0 MGD. This is planned to be accomplished in four phases. Table 2-1 presents the influent flow and peaking criteria used for the design of the 4.0 MGD Pecan WRP.

TABLE 2-1				
4.0 MGD PECAN WATER RECLAMATION PLANT				
INFLUENT FLOWRATE BY PHASE				
Flow Condition	Phase 1	Phase 2	Phase 3	Phase 4
Maximum Month:				
Flowrate (MGD)	-	2.0	3.0	4.0
Flowrate (gpm)	-	1389	2083	2778
Peak Daily:				
Population Served	-	22,220	33,330	44,450
Peaking Factor	-	1.2	1.2	1.2
Flowrate (MGD)	-	2.4	3.6	4.8
Flowrate (gpm)	-	1,667	2,500	3,333
Peak Hourly:				
Peaking Factor	-	1.4	1.4	1.4
Flowrate (MGD)	-	3.36	5.04	6.72
Flowrate (gpm)	-	2,333	3,500	4,667

At the time of this report, the first 1.0 MGD phase has been constructed under ADEQ APP P-105324. As-built drawings were submitted to ADEQ during the APP application process. The drawings were stamped and signed by Terry Moore, P.E. on December 9, 2003. The CAAG 208 Water Quality Plan Amendment for this plant used 2.6 persons per household flowing an average of 234 gallons per day (gpd). At build-out, the plant was estimated to serve 17,095 homes in approximately 20 years. A 44,450 population value

S:\Specific_Engineering\3009\8063\acad\cut-sh\EXHIBITS\ARMY CORP. EXHIBITS\EXHIBIT 1&2.dwg Plotted: Jan 23, 2007



SPECIFIC ENGINEERING PECAN WRP LEACH FIELD
 IN QUEEN CREEK WASH
 EXHIBIT 1 EXISTING CONDITIONS

JOHNSON UTILITIES, L.L.C.

5230 E. Shea Blvd., Suite 200
Scottsdale, AZ 85254
(480) 998-3300, Fax (480) 483-7908

To: Asif Majeed
ADEQ

Date: August 13, 2009

Job No.: _____

Drawing/Spec Reference: _____

Re: Johnson Utilities – APP No. P-105324, LTF #48606

We Transmit: Herewith Under Separate Cover Via _____

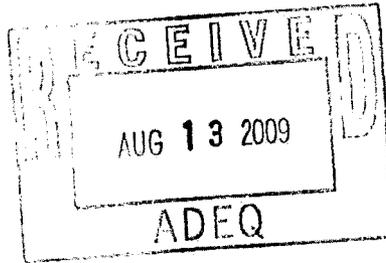
Material Format

Requested Action

<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Shop Drawings	<input type="checkbox"/> For Your Approval	<input type="checkbox"/> Your Review
<input type="checkbox"/> Memo	<input type="checkbox"/> Clarification Drawing	<input type="checkbox"/> For Your Signature	<input type="checkbox"/> Please Comment
<input type="checkbox"/> Prints	<input type="checkbox"/> Modification Drawing	<input type="checkbox"/> Information	<input type="checkbox"/> Make Recommendation
<input type="checkbox"/> Sketch	<input type="checkbox"/> Specifications	<input type="checkbox"/> Resubmit	<input type="checkbox"/> Issue Construction Order
<input type="checkbox"/> Reports	<input type="checkbox"/> Sepias	<input checked="" type="checkbox"/> As Requested	<input type="checkbox"/> For Your Use
<input type="checkbox"/> Mylars	_____	<input type="checkbox"/> Issue Change Order	_____

Remarks:

Asif: Attached are 2 copies of the letter requested by ADEQ at our July 13, 2009, meeting.



Copies To: Bob Manely, ADEQ

Signed: _____

Brian Tompsett

Received By: _____

Date: _____