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Arizona Corporation Commission

DOCKETED

JUN 2 2011

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

DOCKETED BY	<i>MLC</i>
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June 1, 2011

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

Commissioners: Gary Pierce, Chairman
Brenda Burns, Commissioner
Sandra D. Kennedy, Commissioner
Paul Newman, Commissioner
Bob Stump, Commissioner

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Dear Commissioners,

On August 23, 2010, many members of the Boulders Homeowner Association (“BHOA”), attended the Arizona Corporation Commission (“ACC”) Open Meeting to express the importance of decommissioning and removing the Wastewater Treatment Plant (“WWTP”), owned by Black Mountain Sewer Corporation (“BMSC”), which was placed in the middle of a Boulders Resort residential community many years ago.

Our presence at the Open Meeting was also in support of the Closure Agreement between BMSC and the BHOA which, among other specifics, provides that “BMSC is to renegotiate the Effluent Agreement with the Boulders Resort to allow termination of the [present] agreement.” In Decision No. 71865, the Commission found “that the Closure Agreement between BMSC and the BHOA represents a reasonable resolution of the current odor concerns expressed by hundreds of BMSC’s customers.”

At the BHOA Board meeting on Friday, May 27, 2011, homeowners in attendance were informed that, although BMSC and the Boulders Resort had reached an agreement for the future supply of effluent to the golf courses,

Blackstone Hedge Fund of New York (the parent of many companies and owner of the Boulders Resort) rejected the agreement.

It's impossible to convey the frustration and disappointment felt by Boulders residents upon receiving this news. For years we have lived with the terrible sewer odor in the BMSC system and around the WWTP, which never should have been placed in a residential neighborhood in the first place. We have spent the past nine years complaining to BMSC and registering complaints with the ACC regarding this situation. And no one has worked harder than BHOA past President Les Peterson in communicating with the BMSC, the Boulders Resort and our community to facilitate an agreement among all parties.

It is important, at this point, that you know the horrendous sewer odor around the WWTP continues unabated. It is no longer confined to the early morning and early evening hours. Like a lethal fog, it can roll in at any time. My husband returned from a trip just ten days ago at 11 PM, and was greeted by an extremely strong stench coming from the plant. I, Les Peterson and Ted Wojtasik, the BHOA Property Manager, **have received numerous odor complaints since the August, 2010 Open Meeting. These complaints were not documented; instead, we assured residents that BMSC and the Resort were working on an agreement and progress was being made.**

It is also important to stress that everyone familiar with the Boulders WWTP situation, with few exceptions, agrees that the sewer plant must go.

In closing, I can safely speak for all residents of the Boulders community in expressing our deep appreciation for the comments made in detailing our plight by Administrative Law Judge Dwight Nodes, and the recommendations he strongly stated in his Recommendation, Order and Opinion filed August 3, 2010. We also thank all ACC Commissioners for the opportunity to present our case before you on several occasions from 2006 to 2010.

Our prayer now is that the ACC Commissioners will order the decommissioning and removal of this neighborhood health hazard as soon as possible.

Sincerely,



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