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1 Steve Wene, No. 019630
2 MOYES SELLERS & HENDRICKS
3 1850 N. Central Ave. Ste. 1100
4 Phoenix, Arizona 85004
5 (602) 604-2141
6 Attorneys for the Company

7 **BEFORE THE ARIZONA CORPORATION COMMISSION**

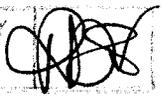
8 **COMMISSIONERS**

9 GARY PIERCE, CHAIRMAN
10 PAUL NEWMAN
11 SANDRA D. KENNEDY
12 BOB STUMP
13 BRENDA BURNS

Arizona Corporation Commission

DOCKETED

MAR 21 2012

DOCKETED BY 

14
15 **IN THE MATTER OF THE**
16 **COMMISSION ON ITS OWN MOTION**
17 **INVESTIGATING THE FAILURE OF**
18 **TRUXTON CANYON WATER**
19 **COMPANY TO COMPLY WITH**
20 **COMMISSION RULES AND**
21 **REGULATIONS**

Docket No. W-02168A-10-0247

**NOTICE OF FILING AMENDMENT
NUMBER 1 TO CONSENT ORDER**

22 Pursuant to the court instructions, Truxton Canyon Water Company, Inc., hereby
23 files the executed Amendment # 1 to Consent Order. *See Attachment 1.*

24 Dated this 21st day of March, 2012.

25 **MOYES SELLERS & HENDRICKS LTD.**

26 
27 Steve Wene
28

1 Original and 13 copies of the foregoing
2 filed on this 21st day of March, 2012 with:

3 Docket Control
4 Arizona Corporation Commission
5 1200 W. Washington Street
6 Phoenix, Arizona 85007

7 Copy of the foregoing electronically
8 mailed this 21st day of March, 2012, to:

9 Kim Ruht
10 kruht@azcc.gov

11 Todd Wiley
12 twiley@fclaw.com

13 
14 _____

ATTACHMENT 1



BEFORE THE DIRECTOR OF THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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In the Matter of:

Truxton Canyon Water Company,
Incorporated, located at 8163 E. Hwy 66,
Kingman, Mohave County, Arizona 86401
Public Water System Number 08-035

AMENDMENT #1 TO
CONSENT ORDER
Docket No. DW-02-11

To: Truxton Canyon Water Co., Inc. ("Truxton Canyon"), an Arizona corporation, in its capacity as owner and/or operator of Truxton Canyon Water Co., Inc., Public Water System #08-035 located at 8163 E. Hwy 66, Kingman, Mohave County, Arizona 86401.

FACTS

In a letter dated February 5, 2012, to the Arizona Department of Environmental Quality, Truxton Canyon made a request for an extension of time to comply with Consent Order #DW-02-11 for modifications to the water system and construction of an arsenic treatment system using best available technology. This request is based on Truxton Canyon vacating a blending plan and pursuing a more cost effective treatment system that will treat only the portion of the Truxton Canyon water high in arsenic.

The Director of the Arizona Department of Environmental Quality ("ADEQ") and Truxton Canyon agree to amend Consent Order DW-02-11 as follows:

Section III (I) of the Compliance Schedule is amended to:

No later than May 7, 2012, Truxton Canyon shall submit to ADEQ an administratively complete application for an Approval to Construct (ATC) for modifications or alternations that will affect the treatment capacity, water quality, flow, distribution or operational performance, and a treatment system using best available technology (BAT) to achieve compliance with the arsenic

Initials

COPY

1 maximum contaminate level. Truxton Canyon shall respond to any deficiencies noted by ADEQ
2 within the time prescribed by ADEQ.

3
4 Section III (J) of the Compliance Schedule is amended to:

5 By December 1, 2012, Truxton Canyon shall complete all approved modifications or alterations
6 and construction of the arsenic treatment system and submit an administratively complete
7 application for an Approval of Construction (AOC) pursuant to R18-5-507.

8
9 The Director hereby orders Truxton Canyon to comply with all other provisions of Consent
10 Order DW-02-11.

11
12 The effective date of the Compliance Schedule shall be the date Amendment #1 to Consent
13 Order DW-02-11 is signed by ADEQ and Truxton Canyon. If such dates occur on different
14 dates, the later date shall be the effective date of the Compliance Schedule.

15
16 EXECUTED this 27th day of February, 2012.

17 
18 _____
19 Michael A. Fulton, Director
20 Water Quality Division
21 Arizona Department of Environmental Quality

1 The undersigned, on behalf of Truxton Canyon, hereby acknowledges that he has read the
2 foregoing Amendment #1 to Consent Order DW-02-11 in its entirety, agrees with the statements
3 made therein, consents to its entry and issuance by the Arizona Department of Environmental
4 Quality, agrees that Truxton Canyon will abide by the same and waive any right to appeal
5 therefrom.

6
7 DATED this 27 day of February, 2012.

8
9 TRUXTON CANYON WATER CO., INC.

10
11 By: B. Mark Neal
12 B. Mark Neal, President

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Initials Bm

1 ORIGINAL of the foregoing Consent Order was sent certified mail, return receipt requested,
this 20th day of MARCH, 2012, to:

2 B. Mark Neal, President
3 Truxton Canyon Water Co., Inc.
4 8163 E. Hwy 66
4 Kingman, AZ 86401

5 COPY of the foregoing Consent Order was filed this 30th day of MARCH, 2012, with:

6 Arizona Department of Environmental Quality
7 Office of Administrative Counsel
7 Attention: Hearing Administrator
8 1110 West Washington Street
8 Phoenix, Arizona 85007-2935

9 COPIES of the foregoing Consent Order were sent by regular/interdepartmental mail, this 30th
day of MARCH, 2012, to the following:

10 Mike Neal, Statutory Agent
11 Truxton Canyon Water Co., Inc.
12 7313 E. Concho Dr. Suite B
12 Kingman, AZ 86401

Rick Neal
7219 W. Sahara Ave., Ste 120
Las Vegas, NV 89117

13 Steve Wene, ESQ
14 Attorney of Record, Truxton Canyon Water Co., Inc.
14 1850 N. Central Ave., #1100
15 Phoenix, AZ 85004

16 Mindi Cross, ADEQ Section Manager Water Quality Compliance Section
16 Vivian Burns, Case Manager Water Quality Enforcement Unit
17 Vivian Adams, ADEQ Drinking Water Section
17 Daniel Czecholinski, ADEQ Manager Field Services

18 Patty Mead, Director
19 Mohave County Department of Public Health
19 700 W. Beale Street
20 Kingman, AZ 86401.

21 Steve Olea, Utilities Division
21 Arizona Corporation Commission
22 1200 W. Washington St.
22 Phoenix, AZ 85007-2996

23 Patrick Chan EES-WTR-6
24 USEPA Region IX
24 75 Hawthorne Street
25 San Francisco, California 94105