

ORIGINAL

JOHNSON UTILITIES L.L.C.



0000140961

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

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2012 DEC 11 P 1:57

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

December 11, 2012

Steven Olea, Director
Utilities Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

RE: Johnson Utilities Company, H2O, Diversified Water Utilities,
Queen Creek Water Company: Compliance with Decision No. 65840
Notice of Violation from ADEQ dated November 29, 2012 (Case #133837)
WS-02987A-99-0583; WS-02987A-00-0618; W-02234A-00-0371; W-02859A-00-0774;
W-01395A-00-0784

Dear Mr. Olea:

As a follow up to the Notice of Violation ("NOV") from the Arizona Department of Environmental Quality ("ADEQ") issued October 9, 2012, we have attached an additional response as Attachment 1. This response addresses Item #7 only.

Should you have any questions or would like to meet and discuss, please do not hesitate to contact me. Thank you for your time and consideration on this matter.

Sincerely,

Daniel R. Hodges
Johnson Utilities, LLC

cc: Docket Control
Brian Bozzo, Compliance Manager

Arizona Corporation Commission

DOCKETED

DEC 11 2012

DOCKET CONTROL

Attachment 1

Johnson Utilities L.L.C.
5230 E. Shea Blvd., Suite 200
Scottsdale, AZ 85254
PH: (480) 998-3300; FAX: (480) 483-7908

Transmittal

To: Deborah Schadewald-Kohler
Water Quality Utility Field Service Unit
ADEQ

Date: December 10, 2012

Job No.: _____

Drawing/Spec Reference: _____

Re: NOV Case #133837

We Transmit: Herewith Under Separate Cover Via _____

Material Format

Requested Action

- | | | | |
|----------------------------------|--|---|---|
| <input 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 |
| Prints | <input type="checkbox"/> Modification Drawing | 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 | As Requested | <input type="checkbox"/> For Your Use |
| <input type="checkbox"/> Mylars | <input type="checkbox"/> _____ | <input type="checkbox"/> Issue Change Order | <input type="checkbox"/> _____ |

Remarks:

Response to NOV Case #133837. Item 7.

Copies To: _____

Signed: 

Greg Brown

Received By: _____

Date: 12/10/12

JOHNSON UTILITIES, L.L.C.

5230 East Shea Boulevard, Suite 200 * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908

December 10, 2012

Deborah L. Schadewald-Kohler
Water Quality Utility Field Service Unit
MC: 5415B-1
Arizona Department of Environmental Quality
1110 W Washington St.
Phoenix, AZ 85007

Re: Notice of Violation, Case ID #: 133837

Dear Ms. Schadewald-Kohler

Johnson Utilities, L.L.C. (JU) is responding to the Notice of Violation (NOV), Case ID: 133837 received by JU on October 12, 2012. The NOV alleges seven State and Federal violations. On November 21, 2012, JU responded to Section III, Documenting Compliance, Items 5 and 6. JU also noted that Item 7 required prior approval by ADEDQ of the revised Emergency Response Plan. This response addresses item 7 which has a 60-day deadline.

NOV Item

7. Within 60 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, or certification that the corrective actions that have been taken to ensure that the emergency plan will be implemented, as written and approved by ADEQ, in the event of an emergency. Additional measures may be implemented to supplement, not replace the approved elements.

Response: There was no violation. In our previous responses, we outlined how the Emergency Response Plan was implemented during the incident and how it was developed. However, by means of this letter, I certify that the revised Emergency Response Plan will be implemented, as written. It is further recognized that additional measures may be implemented to supplement, not replace the approved elements.

The final two items, 3 and 4, will be addressed in a separate letter. If you have any questions or comments, please contact me at (480) 998-3300.

Sincerely,



Gregory H. Brown, P.E.
Director of Engineering

JOHNSON UTILITIES, L.L.C.

5230 East Shea Boulevard, Suite 200 * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908

December 5, 2012

Deborah L. Schadewald-Kohler
Water Quality Utility Field Service Unit
MC: 5415B-1
Arizona Department of Environmental Quality
1110 W Washington St.
Phoenix, AZ 85007

Re: Notice of Violation, Case ID #: 134234

Dear Ms. Schadewald-Kohler

Johnson Utilities, L.L.C. (JU) is responding to the Notice of Violation (NOV), Case ID: 134234 received by JU on November 4, 2012. The NOV alleges an operation of a surface impoundment without an aquifer protection permit for a sand filter at the Circle Cross well as observed by Arizona Department of Environmental Quality (ADEQ) staff during the August 24, 2012, inspection. This item was not addressed in the NOV Case ID # 133837 issued on October 9, 2012, following the August inspection or during our meeting on October 24, 2012.

Section III, Documenting Compliance, contains two action items that need to be responded to by JU. Items 1 and 2 require a response in 10-days and 120-days respectively. This response addresses Items 1.

NOV Item

1. Within 10 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, or contact the Water Quality Utility Field Service Unit inspector to schedule a pre-application meeting to obtain an Aquifer Protection Permit from Groundwater Section.

Response: This violation never occurred. In accordance with Arizona Revised Statutes §49-250(B)(23)(b) surface impoundments used to contain stormwater in combination with potable water sources, including waterline flushing, are exempt from the aquifer protection permit requirements. The Circle Cross well (ADWR # 55-599026) is a source

Deborah L. Schadewald-Kohler
December 5, 2012
Page 2 of 2

of potable water for our EPDES 004 Circle Cross water plant. This facility consists of a well, centrifugal sand separator, storage tank, and booster pumps. The sand separator is flushed periodically into the adjacent stormwater retention basin. This facility is not a water treatment facility that is required to have a Type 3 General Permit per Arizona Administrative Code R18-9-D302. There are no process water discharges such as filtration backwash or discharges from sedimentation and coagulation.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Brown', written in a cursive style.

Gregory H. Brown, P.E.
Director of Engineering