

~~ORIGINAL~~ JOHNSON UTILITIES COMPA

5230 East Shea Boulevard \* Scottsdale, Arizona 85  
PH: (480) 998-3300; FAX: (480) 483-7908



0000143674

RECEIVED

2013 MAR 22 A 10: 21

March 22, 2013

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

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

RE: Johnson Utilities Company, L.L.C.  
Compliance with Decision No. 65840  
Notice of Violation from ADEQ dated November 29, 2012  
WS-02987A-99-0583; WS-02987A-00-0618; W-02234A-00-0371; W-02859A-00-0774;  
W-01395A-00-0784

Dear Mr. Johnson:

On March 13, 2013, I received a letter from the Arizona Department of Environmental Quality ("ADEQ") dated March 11, 2013, regarding a sand separator located at the Circle Cross well site. A copy of the letter and Notice of Violation ("NOV") dated November 29, 2012, is attached hereto as Attachment 1. ADEQ has determined that there was not a violation.

Should you have any questions regarding this event or would like any additional information prior to receiving our response, please do not hesitate to contact me. Thank you for your time and consideration in this matter.

Sincerely,

Greg Brown  
Johnson Utilities, LLC

cc: Docket Control  
Brian Bozzo

Arizona Corporation Commission  
DOCKETED

MAR 22 2013

DOCKETED BY

# Attachment 1



Janice K. Brewer  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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



Henry R. Darwin  
Director

CERTIFIED MAIL

Return Receipt Requested  
7012 30500 0001 62580051

Case ID #: 134234

March 11, 2013



Johnson Utilities, LLC  
Attention: Ken Watkins  
5230 E Shea Blvd  
Scottsdale, AZ 85254

Subject: Notice of Violation issued on November 29, 2012  
Johnson Utilities, Facility ID 18613  
968 E Hunt Hwy, Queen Creek, AZ 85143

Dear Mr. Watkins:

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 August 24, 2012, as required by A.R.S. § 41-1009(I).

ADEQ has determined that the *Documenting Compliance* provisions of the Notice of Violation (NOV) issued to Johnson Utilities, LLC on November 29, 2012 have been met.

Even though the *Documenting Compliance* provisions of the NOV have been met, ADEQ reserves the right to take additional action, including seeking civil penalties for the violations alleged in the NOV. ADEQ will continue to keep you informed about whether it will pursue further action through monthly action update letters.

Should you have any comments or questions regarding this matter, please do not hesitate to contact me at (602) 771-4612.

Sincerely,

Daniel L. Czecholinski, Manager  
Water Quality Utility Field Service Unit

cc: PWS 11-128  
Ref # 13-651

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



Janice K. Brewer  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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



Henry R. Darwin  
Director

CERTIFIED MAIL  
Return Receipt Requested

Case ID #: 134234

November 29, 2012

Johnson Utilities, LLC  
Attention: Ken Watkins  
5230 E Shea Blvd  
Scottsdale, AZ 85254-5750

Subject: Johnson Utilities, Place ID 18613  
968 E Hunt Hwy / Queen Creek, AZ 85143-7450

## NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ) has reason to believe that Johnson Utilities, LLC as the owner/operator of Johnson Utilities has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit/license, administrative order or civil judgment. ADEQ discovered the violations alleged below during an inspection completed on August 24, 2012.

### I. LEGAL AUTHORITY and NATURE OF ALLEGED VIOLATION(S)

#### 1. **A.R.S. § 49-241(B)(1)**

##### **Operation of a surface impoundment without an aquifer protection permit.**

At the time of the inspection, ADEQ staff observed evidence of water backwashed from the sand filter at the Circle Cross Well (55-599026) in an unlined impoundment. Johnson Utilities does not have a Type 3 general permit to discharge the backwash water to this impoundment.

### II. DOCUMENTING COMPLIANCE

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.
2. Within 120 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or an administratively complete Aquifer Protection Permit application

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

Printed on recycled paper

### III. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

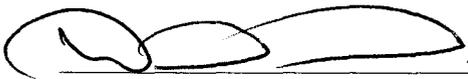
Arizona Department of Environmental Quality, Attention: Deborah L. Schadewald-Kohler, Water Quality Utility Field Service Unit, 1110 W Washington St, Phoenix, AZ 85007 MC: 5415B-1

### IV. STATEMENT OF CONSEQUENCES

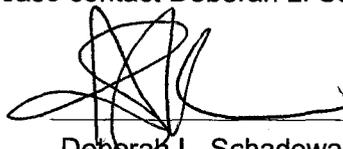
1. The time frames within this Notice for achieving and documenting compliance are firm limits. Failure to achieve or document compliance within the time frames established in this Notice will result in an administrative compliance order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.
2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violation(s) alleged in this Notice as allowed by law.

### V. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact Deborah L. Schadewald-Kohler at (602) 771-2225.



Daniel L. Czecholinski, Manager  
Water Quality Utility Field Service Unit



Deborah L. Schadewald-Kohler  
Water Quality Utility Field Service Unit