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BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

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2013 APR 19 P 4:02

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

APR 19 2013

DOCKETED BY

IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES, L.L.C. FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR
WATER AND SEWER SERVICES.

DOCKET NO. WS-02987A-12-0136

**NOTICE OF FILING
LATE-FILED EXHIBITS**

At the hearing in the above-captioned docket on April 18, 2013, the Administrative Law Judge (“ALJ”) requested that Johnson Utilities, L.L.C. (“Johnson Utilities” or the “Company”) docket copies of six letters from Johnson Utilities to the Arizona Department of Environmental Quality (“ADEQ”) documenting the Company’s compliance with the Notice of Violation issued October 9, 2012 (Case ID # 133837) for the Johnson Ranch potable water system (Facility ID 18613). After the hearing concluded, Johnson Utilities received a letter from ADEQ dated April 15, 2013, acknowledging that the Company has met the “documenting compliance” provisions of the NOV. Thus, in accordance with the ALJ’s request, attached hereto as Attachments 1-7 are copies of the following letters (including attachments):

| | |
|--------------|--|
| Attachment 1 | Letter dated April 15, 2013, from Daniel Czecholinski, Manager of ADEQ’s Water Quality Utility Field Service Unit, to Johnson Utilities (Attention Ken Watkins). |
| Attachment 2 | Letter dated November 5, 2012, from Greg Brown, P.E., Director of Engineering for Johnson Utilities, to Deborah Schadewald-Kohler of ADEQ’s Water Quality Utility Filed Service Unit. |
| Attachment 3 | Letter dated November 21, 2012, from Greg Brown, P.E., Director of Engineering for Johnson Utilities, to Deborah Schadewald-Kohler of ADEQ’s Water Quality Utility Filed Service Unit. |

Brownstein Hyatt Farber Schreck, LLP
One East Washington, Suite 2400
Phoenix, AZ 85004

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| Attachment 4 | Letter dated December 5, 2012, from Greg Brown, P.E., Director of Engineering for Johnson Utilities, to Deborah Schadewald-Kohler of ADEQ's Water Quality Utility Filed Service Unit. |
| Attachment 5 | Letter dated December 10, 2012, from Greg Brown, P.E., Director of Engineering for Johnson Utilities, to Deborah Schadewald-Kohler of ADEQ's Water Quality Utility Filed Service Unit. |
| Attachment 6 | Letter dated December 17, 2012, from Greg Brown, P.E., Director of Engineering for Johnson Utilities, to Deborah Schadewald-Kohler of ADEQ's Water Quality Utility Filed Service Unit. |
| Attachment 7 | Letter dated February 4, 2013, from Greg Brown, P.E., Director of Engineering for Johnson Utilities, to Daniel Czecholinski, Manager of ADEQ's Water Quality Utility Field Service Unit. ¹ |

These letters and the letter from ADEQ dated April 15, 2013, show that the NOV issued October 9, 2012 (Case ID # 133837) for the Johnson Ranch potable water system (Facility ID 18613) has now been closed with no action taken by ADEQ.²

The ALJ also requested at the hearing that Johnson Utilities docket a copy of the letter from ADEQ evidencing the closure of the Notice of Violation issued November 29, 2012 (Case ID # 134234) for the Johnson Ranch potable water system (Facility ID 18613).³ Johnson Utilities received a letter from ADEQ dated March 11, 2013, acknowledging that the Company met the "documenting compliance" provisions of the NOV. This letter shows that the NOV was closed with no action taken by ADEQ.

On March 22, 2013, Johnson Utilities filed a copy of ADEQ's March 11, 2013 letter in Docket Nos. WS-02987A-99-0583, WS-02987A-00-0618, W-02234A-00-0371, W-02859A-00-0774 and W-01395A-00-0784. In accordance with the ALJ's request at the hearing, attached

¹ In the Comments of Johnson Utilities on Staff Report filed April 12, 2013 in this docket and admitted at the hearing as Exhibit A-7, Johnson Utilities erroneously identified the date of this letter as January 2, 2013. The correct date of the letter is February 4, 2013.

² Johnson Utilities notes that there are e-mail communications from the Company to ADEQ in addition to the letters provided with this filing.

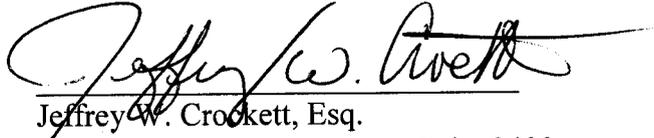
³ This NOV was introduced at the hearing as Staff Exhibit S-3.

Brownstein Hyatt Farber Schreck, LLP
One East Washington, Suite 2400
Phoenix, AZ 85004

1 hereto as Attachment 8 is a copy of the Company's March 22, 2013 filing, which includes a
2 copy of ADEQ's March 11, 2013 letter.

3 RESPECTFULLY submitted this 19th day of April, 2013.

4 BROWNSTEIN HYATT FARBER SCHRECK LLP

5 

6 Jeffrey W. Crockett, Esq.
7 One East Washington Street, Suite 2400
8 Phoenix, Arizona 85004
Attorneys for Johnson Utilities, L.L.C.

9 ORIGINAL and thirteen (13) copies of the
10 foregoing filed this 19th day of April, 2013, with:

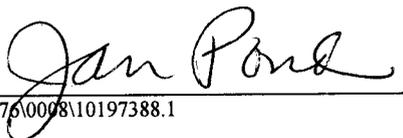
11 Docket Control
12 ARIZONA CORPORATION COMMISSION
13 1200 West Washington Street
Phoenix, Arizona 85007

14 Copy of the foregoing hand-delivered
this 19th day of April, 2013, to:

15 Yvette B. Kinsey, Administrative Law Judge
16 Hearing Division
17 ARIZONA CORPORATION COMMISSION
18 1200 West Washington Street
Phoenix, Arizona 85007

19 Janice Alward, Chief Counsel
20 Legal Division
21 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

22 Steve Olea, Director
23 Utilities Division
24 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
25 Phoenix, Arizona 85007

26 
27 _____
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Attachment 1



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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

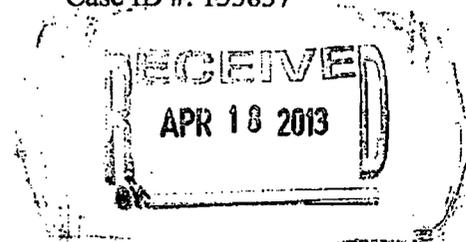


Henry R. Darwin
Director

CERTIFIED MAIL 7012 3050 0001 6258 0839
Return Receipt Requested

Case ID #: 133837

April 15, 2013



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

Subject: Notice of Violation issued on October 12, 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 October 12, 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: Pinal County Division of Public Health, Attention: Thomas Schryer, Director, 500 S. Central, Florence, AZ 85132

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

Attachment 2

JOHNSON UTILITIES, L.L.C.

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

November 5, 2012

Deborah L. Schadewald-Kohler
Water Quality Utility Field Service Unit
MC: 5415B-1
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 October 24, 2012, JU meet with Mindi Cross, Daniel Czecholinski, and you of the Arizona Department of Environmental Quality (ADEQ) to discuss the NOV. Thank you for your time and input.

Section III, Documenting Compliance, contains seven action items that need to be responded to by JU. Each item has a deadline date. The dates range from 30-days to 90-days. This response address items 1 and 2 which have a 30-day deadline.

1. Within 30 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, documentation to demonstrate the corrective actions that have been taken to ensure that future public notices are issued in a form and manner that is reasonably calculated to reach all persons served within the required time period.

1. A.A.C. R18-4-119/ 40 CFR § 141.202 (b) (3)
Failure to comply with any additional public notification requirements (including any repeat notices or direction on the duration on the posted notices) that are established as a result of the consultation with ADEQ, for a violation or situation that requires Tier I public notice.

At the time of a tier 1 Public event Johnson Utilities:

- 1.) failed to make an effort properly notify the media as described in their emergency plan;

- 2.) failed to follow up the Public Notice to keep the public aware of the water quality progress;

Response: JU did not fail to comply with 40 CFR § 141.202 (b) (3). 1.) JU did notify the media as described in our Emergency Response Plan and per direction given by ADEQ. 2.) JU did follow up with a public notice the day after the initial public notice. No additional notification requirements were requested by ADEQ. The following documentation serves to demonstrate that the violations never occurred.

On August 23, 2012, Johnson Utilities issued a public notice to five television stations, 2 radio stations, and 2 newspapers for the Tier 1 acute MCL violation. The notice was issued under a Johnson Utilities' letterhead. The notice was issued within the mandated 24 hours after becoming aware of the test results. A copy of the notice is attached (Attachment 1).

Johnson Utilities was notified by the laboratory of the single positive resample on August 21, 2012, at 1:57 PM. A copy of the email from Lisa Parrish is attached (Attachment 2). 40 CFR §141.202 (b) (3) requires a utility to comply with any additional public notification requirements that are established during consultation with the primacy agency. On August 21, 2012, at 4:58 PM JU received an email (Attachment 3) from Donna Calderon, ADEQ, approving the public notice and advising us to distribute according to the Tier 1 public notice requirements. She advised us to use radio or television, posting or hand delivery as necessary to reach our customers. No specific public notification requirements were established by ADEQ.

The public notice was distributed within the 24 hour requirement on August 22, 2012, at 11:45 AM. During this period, Johnson Utilities was in contact with Donna Calderon and Janell Goatson of the ADEQ Drinking Water Monitoring and Protection Unit. On August 22, 2012, at 11:37 AM Donna was notified of the public notice via email (Attachment 4). Attached to the email were the "Drinking Water Warning" and the Johnson Utilities' news release as provided in Attachment 1.

The results of the three resamples on the single positive were received from the laboratory on August 23, 2012, at 8:52 AM (Attachment 5). On August 23, 2012, at 12:05 PM (Attachment 6) we received approval from Donna Calderon for the acute resolved public notice. The notice was submitted to the same news media under a Johnson Utilities' letterhead at 1:29 PM on August 23, 2012 (Attachment 7). A copy of the public notice and news release is attached as Attachment 8.

Johnson utilities did follow its Emergency Response Plan. Section 4.2, Notification, states "Notification is required under State and Federal law when contamination is evident or the threat is considered "credible". The Operations Manager, or designee, shall determine the extent of a given emergency and implement notification as the situation warrants." This process was followed.

2. 40 CFR § 141.63 (a) (1)/ A.A.C. R18-4-109

For a system which collects at least 40 samples per month, distribution of water in which more than 5% of the samples collected during the month tested total Coliform-positive.

Twenty five samples collected on August 13, 2012 were analyzed as positive for the presence of total Coliform bacteria of the samples required each per month.

Response: Noted - More than 5.0% of the samples for August 2012 tested positive for total coliform

3. 40 CFR § 141.63 (b)/ A.A.C. R18-4-109

Failure to comply with the MCL for the total coli forms; a total Coliform repeat sample tested positive following a fecal Coliform-positive or E. coli-positive routine sample.

Three of the 25 total Coliform positive samples collected August 13, 2012, tested positive for the presence of E. coli bacteria.

Response: Noted - One repeat sample tested positive for total coliform following a fecal-positive routine sample.

4. 40 CFR § C 141.202(c)/ A.A.C. R18-4-119

Failure of a public water system to deliver a Tier 1 Public Notice in a manner designed to reach all customers served by the water system using at a minimum at least one of the forms of delivery identified in the this section.

Johnson Utilities did not distribute the public notice for the Total Coliform MCL Exceedences in a manner reasonably calculated to reach all customers served.

- 1) Johnson Utilities did not adhere to their ADEQ approved emergency operation plan to notify the media.
- 2) Johnson Utilities contacted a local school district but did not issue a Public Notice.

- 3) Johnson Utilities sent ADEQ evidence that the media was contacted through a subcontractor, not the responsible party. There was no reference to a Public Notice in the email that was sent and there was no follow-up contact information offered.

Response: JU did not fail to comply with 40 CFR § 141.202 (c). 1.) JU did notify the media as described in our Emergency Response Plan and per direction given by ADEQ. Please see response to Item 1. 2.) Johnson Utilities did contact the school district as a courtesy notification to allow them to prepare for the possibility of Public Notice to boil water. This action allowed the school to prepare and remain open through the incident. 3.) On August 23, 2012, Johnson Utilities issued a public notice to five television stations, 2 radio stations, and 2 newspapers for the Tier 1 acute MCL violation with the assistance of a professional PR firm. The notice was sent under the JU letterhead. The following documentation serves to demonstrate that the violations never occurred.

In accordance with 40 CFR § 141.202 (c), the following must be followed:

“In order to reach all persons served, water systems are to use, at a minimum, one or more of the following forms of delivery:

- (1) Appropriate broadcast media (such as radio and television);
- (2) Posting of the notice in conspicuous locations throughout the area served by the water system;
- (3) Hand delivery of the notice to persons served by the water system; or
- (4) Another delivery method approved in writing by the primacy agency.”

In accordance with ADEQ’s “Certificate of Public Notice Distribution”, the “community water system must use at least one of the following methods” for a Tier 1 notice:

Direct hand Delivery to Customers
Posting a Conspicuous Locations
TV Station
Radio Station

As explained in item 1, the Public Notice was distributed to TV stations and radio stations which satisfies both 40 CFR § 141.202 (c) and ADEQ’s requirement. In addition, the JU letterhead notice and the drinking water warning were posted in the office and on the JU web site.

5. A.A.C. R18-4-204(C)

Failure of a community water system to implement the Emergency Operations Plan in the event of an emergency situation.

The water system did not implement the Emergency Operations Plain in response to positive Coliform and E.coli samples, an emergency situation that occurred on August 21, 2012.

Response: JU did not fail to comply with A.A.C. R18-4-204(c). The following documentation serves to demonstrate that the violations never occurred.

Upon notice from the laboratory that all of the total coliform samples that were taken on August 16, 2012, failed, the Emergency Response Plan was implemented. This plan was originally written in 2005 under a contract with KUV Consultants. The plan was submitted to ADEQ on September 28, 2005. The plan was last revised in 2010.

In accordance with Section 5, Incident Management – A General Response Plan, the first step taken is to assess the situation per the following check list:

- Reported description of the incident.
- Preliminary damage estimation, if available.
- Worst probable outcome of the incident.
- Sensitivity of the operations at the site.
- Historical events or issues that might be related to the incident or site.
- Anticipated or actual media involvement.
- Potential impact on the community and customers.
- Potential impact on environmental/public health.
- Potential exposure and/or injury to community.
- Potential to disrupt public activity.
- Anticipated need for outside assistance.

The second step is to consider the operational decisions:

- Make a decision on status of water system or the impacted facility - remain open or partial/full shut down.
- Arrange for alternative water supplies.
- If contamination is involved:
 - Confirm agent(s) or material(s) used.
 - Estimate on plume arrival and concentration.

- Evaluate impact on the system.
- Identify service area(s) impacted.
- Select appropriate response.
- Notify customers and other public constituents.
- Obtain mutual and/or regional support.

On August 20, 2012, JU received test results that showed 20 samples taken on August 13, 2012, were all absent of total coliform. On Saturday morning, August 18, 2012, JU was notified by the laboratory that samples taken on August 16, 2012, were all positive for total coliform and three confirmed positive for E. coli. The samples were representative of our entire system which runs 12 miles along the Hunt Hwy corridor. The system has 10 Entry Points Distribution Systems (EPDS). The following facts were considered:

1. No single EPDS could be the source of contamination. The water from any given source does not feed the entire system.
2. No EPDS site was damaged or showed signs of tampering.
3. No leaks or disruption of the system occurred since August 13, 2012, the last day all samples were negative.
4. There was no drop in operating pressure.
5. No hospital or county health department reported E. coli associated illnesses to JU.
6. JU received no complaints or reports of illness.

Based on these facts, JU could not locate or identify any reasonable source of the contamination. Item 6, Chemical or Microbiological Contamination of Water Supply, Appendix C, Emergency Response Plan, was followed. JU notified ADEQ within 24 hours of becoming aware of the incident, took reasonable measures to ensure the security of the system, and took additional samples from all the tanks to ensure there was no tampering even though they were found in good condition. These samples were all negative and are attached (Attachment 9). Confirmation sampling was conducted in accordance with the Total Coliform Rule (TCR) (test results previously submitted to ADEQ). In addition to performing the confirmation sampling under the TCR, each of the well sites were tested under the Groundwater Rule (GWR). All of these tests were also negative (test results previously submitted to ADEQ). The TCR confirmation sampling results were all negative except one positive total coliform sample (test results previously submitted to ADEQ). The 14 GWR samples (test results previously submitted to ADEQ) at each of the source wells were negative for both total coliform and E. coli. Based on the TCR rules, JU

did move forward with the Tier 1 Public Notice. JU did implement the Emergency Operations Plan in response to positive Coliform and E. coli samples that occurred on August 21, 2012

6. 40 CFR § C 141.31 (d)/ A.A.C. R18-4-106

Failure of a public water system to submit to the Department a certification that it has fully complied with the public notification requirements and copies of each type of notice that was distributed within ten days of completing the public notification requirements.

On August The Certification were dated September 7, 2012 and September 17, 2012, which was after 10 day requirement

Response: JU did fail to comply. However, please note that ADEQ was notified by email on August 22, 2012, at 11:37 AM that the Public Notice was issued. This violation does not “create any reasonable probability of material harm to any person, the public health, safety, welfare or the environment” as stated in the ADEQ *Compliance and Enforcement Handbook*. The requirement of submitting a certification letter was written well before electronic mail became available. ADEQ had been notified at the time the Public Notice was issued via email.

7. 40 CFR § C 141.205/ A.A.C. R18-4-119

Failure of a public water system to provide a public notice including the minimum elements required under this Section.

The notices transmitted to the school district and the media did not meet the Public Notice content requirements.

Response: JU did not fail to comply. The notices did meet the Public Notice requirements as evident by the fact they were approved by ADEQ prior to distribution. Please see the approval email identified in Item 1. In addition, the template of the Public Notice was provided by ADEQ, JU followed 40 CFR § C 141.205, and referenced the EPA Revised Public Notification Handbook, 2nd Revision of Document: EPA 816-R-09-013, March 2010. The template on page 46 in the EPA Revised Public Notification Handbook was also used in the writing of the final Public Notice.

As stated above, Johnson Utilities employee did contact the school district as a courtesy notification prior to the issuance of the public notice. This act allowed them to prepare and remain open through the incident. We are considering adding this action to our Emergency Response Plan as the school district has a substantial email list and the ability to reach a significant portion of our customers.

2. Within 30 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, documentation to demonstrate the corrective actions that have been taken to ensure that certification of Public Notice method of delivery and confirmation of delivery are submitted to ADEQ within 10 calendar days from the date from the initial Public Notice and any repeat notice.

Response: The requirement to submit a Certification Letter to ADEQ within 10 calendar days has been added to a new Appendix D in the Emergency Response Plan. A copy of the new appendix is attached (Attachment 10). Included in the appendix is a copy of 40 CFR § 141.31, the ADEQ "Certificate of Public Notice Distribution", and the Public Notification Rule (40 CFR Part 141, Subpart Q). Also attached (Attachment 11) is the revised Table of Contents showing Appendix D. Please replace these pages in your copy of the JU Emergency Response Plan.

Items 3 – 7, Section III, Documenting Compliance, will be submitted prior to their due dates. If you have any questions or comments, please contact me at (480) 998-3300.

Sincerely,



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

Attachments:

1. JU Public Notice, August 22, 2012
2. Email from Legend Laboratory, August 21, 2012
3. Email from Donna Calderon, ADEQ, August 21, 2012
4. Email from Greg Brown, JU, to Donna Calderon, ADEQ, August 22, 2012
5. Email from Legend Laboratory, August 23, 2012
6. Email from Donna Calderon, ADEQ, to Greg Brown, JU, August 23, 2012
7. Email from R&R Partners to Greg Brown, ADEQ, October 29, 2012, with email of Public Notice sent from R&R to media
8. JU Public Notice, August 23, 2012
9. 10 - ADEQ , DWAR-1, Total Coliform Rule revised forms
10. Revised Appendix D, Public Notification Rule, JU Emergency Response Plan, Rev (9/2012)
11. Revise Table of Contents, JU Emergency Response Plan, Rev (9/2012)

Attachment 1

JOHNSON UTILITIES COMPANY, L.L.C.

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

For Immediate Release
August 22, 2012

Media Contact:
David Weissman
R&R Partners
(480) 317-6072

Johnson Utilities responds to water contamination concerns

FLORENCE--On August 21, 2012, Johnson Utilities initiated the release of a drinking water warning to its customers in the lower east valley. Johnson Utilities apologizes for the inconvenience this warning may have caused to our valuable customers. The warning resulted from a broad-spectrum test that suggested the potential presence of E. coli bacteria; although E. Coli was not detected in retesting in any of the 89 samples, one sample was positive for total coliform.

We first became aware of a potential problem on August 18 when our routine sampling revealed some positive results for E. coli that we believed to be false since they contradicted the results of our previous regular sampling.

We conducted a retest on August 19. On August 21 results became available from the lab indicating that of the 75 samples taken, none showed any presence of e-coli. One resample was however positive for total coliform. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present.

The tests also showed presence of residual chlorine, which is present in the water as a disinfectant in an amount sufficient to kill any harmful bacteria.

Further, 14 samples taken on August 19 at our drinking water wells were negative for both total coliform and E. coli. After consulting with the Arizona Department of Environmental Quality, Johnson Utilities issued a drinking water warning in compliance with the drinking water rules. For those who may not have yet received a copy of the warning, a copy is attached to this news release. The drinking water rules require a drinking water system to issue the warning if any resamples are positive for total coliform.

Johnson Utilities will be maintaining the warning in effect until we have confirmed that further resamples are all negative. Three resamples have been submitted to our State approved laboratory and the results will be available early on August 23, 2012. Out of an abundance of caution, we recommend that our customers comply with our warning which recommends that boiled or bottle water be used for drinking, making ice, brushing teeth, washing dishes and food preparation until further notice.

“The safety of our customers is our first concern. Our families live in our service area and consume the same water as our other valued customers. We will take whatever measures are necessary to assure Johnson Utilities’ water is safe and that we have complied with federal and state law,” said Greg Brown, vice president of operations for Johnson Utilities.

Some of our customers are wondering how this can happen. Water systems do get contaminated from time to time; however, in this case, we believe there never was any contamination. Rather the false positives that were detected likely resulted from sampling errors or cross-contamination by the laboratory.

Over the past two weeks, the water system has not experienced any changes in pressure or increase in flows. There were no leaks found. These would be indicators of contamination getting into the system. We are constantly reviewing our procedures to assure clean and safe water for our customers. Once we receive testing results tomorrow, Johnson Utilities will issue a new statement.

###

DRINKING WATER WARNING

E. coli is present in the Johnson Utilities' water

BOIL YOUR WATER BEFORE USING

E. coli bacteria were found in the water supply on August 19, 2012. These bacteria can make you sick, and are a particular concern for people with weakened immune systems. Please be advised that resamples taken on August 20, 2012, showed no *E. coli* but had one positive sample out of 75 for total coliform.

Bacterial contamination can occur when increased run-off enters the drinking water source (for example, following heavy rains). It can also happen due to a break in the distribution system (pipes) or a failure in the water treatment process.

What should I do? What does this mean?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation until further notice. Boiling kills bacteria and other organisms in the water.
- *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.*
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice from their health care providers about drinking this water.

What is being done?

Further tests were taken today, August 22, 2012. We will inform you when tests show no bacteria and you no longer need to boil your water. We anticipate resolving the problem by tomorrow August 23, 2012.

For more information, please contact Johnson Utilities at 480-987-9870 or 968 East Hunt Highway, Queen Creek, Arizona 85242. General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1-800-426-4791.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Johnson Utilities. State Water System ID#: 11-128.
Date distributed: August 22, 2012

Attachment 2

Greg Brown

From: Lisa Parrish <lparrish@legend-group.com>
Sent: Tuesday, August 21, 2012 1:57 PM
To: Greg Brown; Kenny Watkins; 'Rich '; Rod Spencer ; Velma Huntley
Subject: Colilert Results
Attachments: 1671_001.pdf

Importance: High

Good afternoon...

For ALL of the resamples, only one came back positive again and it was Circle Cross 175 Santa Gertudis. It was negative for *E. coli*. They saved the sample if you would like to perform any additional testing on it, such as an organism ID.

Thanks,
Lisa

From: LEGEND Microbiology Laboratory [<mailto:microbiology@legend-group.com>]
Sent: Tuesday, August 21, 2012 12:17 PM
To: Lisa Parrish
Subject: Colilert Results

2081488-44 (.78 Circle Cross, 175 Santa Gertudis) tested positive for Total Coliforms and negative for *E. coli*.

All other samples tested negative for Total Coliforms and negative for *E. coli*.

Thank you for choosing LEGEND for your analytical needs. If you have any questions regarding your results, please contact your LEGEND Project Manager. Any other analysis requested is still pending and a final report will be available within 10-15 working days.

Thank you,

MICROBIOLOGY LABORATORY
LEGEND TECHNICAL SERVICES OF ARIZONA, INC.
17631 N. 25TH AVENUE
PHOENIX, AZ 85023
(602) 324-6100 FAX: (602) 324-6101
microbiology@legend-group.com

Attachment 3

Greg Brown

From: Donna Calderon <Calderon.Donna@azdeq.gov>
Sent: Tuesday, August 21, 2012 4:58 PM
To: Greg Brown
Cc: Janell C. Goatson; John A. Calkins
Subject: RE: DRINKING WATER WARNING.doc
Attachments: DRINKING WATER WARNING.DOC

Hi Greg,

We approve the attached PN and you can distribute according to the Tier 1 PN requirements: Broadcast media (radio or television), posting or hand delivery, as necessary to reach your customers. Mailing will not suffice for a 24 hour PN. Please keep us up to date on the repeat sampling results and work with us to issue a resolved PN, once a clean set of repeats have been received from the lab. Please contact us if you have questions. Thanks.

Donna Calderon, Manager
Drinking Water Monitoring and Protection Unit
Arizona Department of Environmental Quality
1110 West Washington Street, Mail Code 5415B-2
Phoenix, AZ 85007

602-771-4641 (direct line)
602-771-4634 (fax)
e-mail: dml@azdeq.gov
ADEQ website: www.azdeq.gov



Please consider the environment before printing this e-mail.

From: Janell C. Goatson
Sent: Tuesday, August 21, 2012 4:35 PM
To: Donna Calderon
Subject: FW: DRINKING WATER WARNING.doc

From: Greg Brown [<mailto:GBrown@azvision.net>]
Sent: Tuesday, August 21, 2012 4:19 PM
To: Janell C. Goatson
Subject: RE: DRINKING WATER WARNING.doc

Thanks, you're a good writer. If ok with you, this is final.

From: Janell C. Goatson [<mailto:Goatson.Janell@azdeq.gov>]
Sent: Tuesday, August 21, 2012 4:15 PM
To: Greg Brown
Subject: FW: DRINKING WATER WARNING.doc

Greg,

Here is the PN with a few add/deletes. Please let me know if you have questions.

Thank you.

From: Janell C. Goatson
Sent: Tuesday, August 21, 2012 4:10 PM
To: Janell C. Goatson
Subject: DRINKING WATER WARNING.doc

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Attachment 4

Greg Brown

From: Greg Brown
Sent: Wednesday, August 22, 2012 11:37 AM
To: Donna Calderon (Calderon.Donna@azdeq.gov)
Subject: FW: Johnson Utilities Responds to Water Contamination Concerns in Lower East Valley
Attachments: DRINKING WATER WARNING.DOC; Johnson Utilities Release final final final 8-22.docx

Donna: Apparently when we spoke the press release was already being sent out. Hope this addresses most of your concerns. Let us know if there is anything else you want us to clarify in subsequent press releases.

Greg

From: David Weissman [mailto:david.weissman@rrpartners.com]
Sent: Wednesday, August 22, 2012 11:45 AM
To: Greg Brown
Subject: FW: Johnson Utilities Responds to Water Contamination Concerns in Lower East Valley

From: David Weissman
Sent: Wednesday, August 22, 2012 11:41 AM
To: assignmentdesk@abc15.com; news923@ktar.com; KFYI News; kpnx-assignment-desk@12news.com; 3tvnews@azfamily.com; cbs5news@kpho.com; fox10.desk@foxtv.com; ilowery@bizjournals.com; mel.melendez@arizonarepublic.com; flonews190@yahoo.com; elvia.diaz@arizonarepublic.com; News@TodayPublications.com
Subject: Johnson Utilities Responds to Water Contamination Concerns in Lower East Valley

Hi, attached please find Johnson Utilities response to water contamination concerns that have been reported in the media. The company will not be granting interviews today and will have more to say tomorrow once new test results are available. Thanks, David

Johnson Utilities responds to water contamination concerns

FLORENCE--On August 21, 2012, Johnson Utilities initiated the release of a drinking water warning to its customers in the lower east valley. Johnson Utilities apologizes for the inconvenience this warning may have caused to our valuable customers. The warning resulted from a broad-spectrum test that suggested the potential presence of E. coli bacteria; although E. Coli was not detected in retesting in any of the 89 samples, one sample was positive for total coliform.

We first became aware of a potential problem on August 18 when our routine sampling revealed some positive results for E. coli that we believed to be false since they contradicted the results of our previous regular sampling.

We conducted a re-test on August 19. On August 20, results from the lab indicated that of the 75 samples taken, none showed any presence of e-coli. One resample was however positive for total coliform. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present.

The tests also showed presence of residual chlorine, which is present in the water as a disinfectant in an amount sufficient to kill any harmful bacteria.

Further, 14 samples taken at our drinking water wells were negative for both total coliform and E. coli. After consulting with the Arizona Department of Environmental Quality, Johnson Utilities issued a drinking water warning in compliance with the drinking water rules. For those who may not have yet received a copy of the warning, a copy is attached to this news release. The drinking water rules require a drinking water system to issue the warning if any resamples are positive for total coliform.

Johnson Utilities will be maintaining the warning in effect until we have confirmed that further resamples are all negative. Three resamples have been submitted to our State approved laboratory and the results will be available early on August 23, 2012. Out of an abundance of caution, we recommend that our customers comply with our warning which recommends that boiled or bottle water be used for drinking, making ice, brushing teeth, washing dishes and food preparation until further notice.

“The safety of our customers is our first concern. Our families live in our service area and consume the same water as our other valued customers. We will take whatever measures are necessary to assure Johnson Utilities’ water is safe and that we have complied with federal and state law,” said Greg Brown, vice president of operations for Johnson Utilities.

Some of our customers are wondering how this can happen. Water systems do get contaminated from time to time; however, in this case, we believe there never was any contamination. Rather the false positives that were detected likely resulted from sampling errors or cross-contamination by the laboratory.

Over the past two weeks, the water system has not experienced any changes in pressure or increase in flows. There were no leaks found. These would be indicators of contamination getting into the system. We are constantly reviewing our procedures to assure clean and safe water for our customers. Once we receive testing results tomorrow, Johnson Utilities will issue a new statement.

###



David Weissman | Director of Public Relations
101 N. First Avenue, Suite 2900, Phoenix, AZ 85003
T: 480.317.6072 | M: 602.670.7145 | F: 480.804.0033
E-mail: david.weissman@rrpartners.com | www.rrpartners.com
R&R Social: [Blog](#) | [Twitter](#) | [Facebook](#)

About R&R Partners

R&R Partners operates from a win or die mentality, an unwavering commitment to viewing the business environment from our client's perspective. We're all-in and it's personal -- with strategic thinking and creative audacity that captures imaginations, ignites conversations and incites action. Our strategic blend of advertising, public relations, issues advocacy, government affairs, research, media and digital marketing earned us *Brandweek's* "Grand Marketer of the Year" Award for the Las Vegas juggernaut, "What happens here, stays here®" -- making us the first agency ever to win this coveted award. We were also named among the top 30 "Best Places to Work in Marketing & Media" by *Advertising Age*. R&R's work in the travel, energy and transportation sectors has been covered by *The New York Times*, *The Wall Street Journal*, *USA Today*, *Forbes*, *MSNBC*, *ABC's Nightline*, *Adweek* and *Advertising Age*. While recognition is nice, it's results that really matter. For more information on how we change perceptions and behavior every day, visit www.rrpartners.com. Or stop by one of our six offices located in Las Vegas, Los Angeles, Phoenix, Salt Lake City, Reno and Washington, D.C.

Attachment 5

Greg Brown

From: Lisa Parrish <lparrish@legend-group.com>
Sent: Thursday, August 23, 2012 8:52 AM
To: Greg Brown; Kenny Watkins; 'Rich '; Rod Spencer ; Velma Huntley
Subject: FW: Johnson Utilities Colilerts 8/22/12

Importance: High

All are negative:

2081720

01A (Circle Cross 175 Santa Hertrudis Tr.), 02A (Circle Cross 165 Santa Hertrudis Tr.) and 03a (Circle Cross 185 Santa Hertrudis tr.) were negative for Total Coliform and negative for E.coli.

Thank you for choosing LEGEND for your analytical needs. If you have any questions regarding your results, please contact your LEGEND Project Manager. Any other analysis requested is still pending and a final report will be available within 10-15 working days.

Thank you,

MICROBIOLOGY LABORATORY
LEGEND TECHNICAL SERVICES OF ARIZONA, INC.
17631 N. 25TH AVENUE
PHOENIX, AZ 85023
(602) 324-6100 FAX: (602) 324-6101
microbiology@legend-group.com

Attachment 6

Greg Brown

From: Donna Calderon <Calderon.Donna@azdeq.gov>
Sent: Thursday, August 23, 2012 12:05 PM
To: Greg Brown
Subject: RE: Acute TCR Resolved PN Johnson Utility 11-128 (2).doc
Attachments: Acute TCR Resolved PN Johnson Utility 11-128 (FINAL).doc

Hi Greg,

We approved all changes except one, and added a different word in it's place (see attached). Please let me know when it is posted to the website and the media and school district have been notified. Thanks.

Donna Calderon, Manager
Drinking Water Monitoring and Protection Unit
Arizona Department of Environmental Quality
1110 West Washington Street, Mail Code 5415B-2
Phoenix, AZ 85007

602-771-4641 (direct line)
602-771-4634 (fax)
e-mail: dml@azdeq.gov
ADEQ website: www.azdeq.gov



Please consider the environment before printing this e-mail.

From: Greg Brown [<mailto:GBrown@azvision.net>]
Sent: Thursday, August 23, 2012 11:41 AM
To: Donna Calderon
Subject: FW: Acute TCR Resolved PN Johnson Utility 11-128 (2).doc

Donna, is this ok with you?

Greg

Sent from my Verizon Wireless Droid

-----Original message-----

From: "Thomas, Christopher D." <Christopher.D.Thomas@squiresanders.com>
To: "Breedlove, Fred E." <Fred.Breedlove@squiresanders.com>, David Weissman <david.weissman@rmpartners.com>, Greg Brown <GBrown@azvision.net>, Daniel Hodges <DHodges@azvision.net>
Cc: "Thomas, Christopher D." <Christopher.D.Thomas@squiresanders.com>
Sent: Thu, Aug 23, 2012 18:37:52 GMT+00:00
Subject: FW: Acute TCR Resolved PN Johnson Utility 11-128 (2).doc

37 Offices in 18 Countries

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Attachment 7

Greg Brown

From: David Weissman <david.weissman@rrpartners.com>
Sent: Monday, October 29, 2012 4:38 PM
To: Greg Brown
Cc: Jim Norton
Subject: August 23 email-Johnson Utilities Water is Safe

Here you go Greg. Let me know if you need anything else. Thanks, David

From: David Weissman
Sent: Thursday, August 23, 2012 1:29 PM
To: Assignment 15 TV; cbs5news; Assignment 3 TV; Assignment 10 TV; Assignment 12 TV; Assignment KTAR Radio; Assignment KTAR Radio; Melody Birkett; phughes@ktar.com; lgliha@abc15.com; mel.melendez@arizonarepublic.com; Elvia Diaz; Lindsey <lindsey.collom@arizonarepublic.com> Collom; Ilana Lowery; flonews190@yahoo.com; News@TodayPublications.com; news@santanvalley.com; Mary Drobnik; Lizbeth Licon; Matt Hamada; Margaret Beardsley
Subject: Johnson Utilities Water is Safe

JOHNSON UTILITIES COMPANY, L.L.C.

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

For Immediate Release
August 23, 2012
Media Contact:

David Weissman

R&R Partners

(480) 317-6072

Tests confirm Johnson Utilities drinking water is safe
All restrictions have been lifted

FLORENCE (August 23, 2012)—Johnson Utilities confirmed this morning that water in its Florence area drinking water supply system contains no harmful bacteria. Steps our customers can follow to resume unrestricted use of the water are included in the attached public notice.

After testing suggested the possible presence of coliform bacteria, Johnson Utilities advised its customers on Wednesday to take precautions before using water. Coliforms are naturally occurring bacteria that are used as an indicator of other, potentially harmful bacteria (such as e coli). Because of questions about the initial sampling results, Johnson Utilities had the water retested at two State-certified laboratories. Both labs reported that the water contained no total coliform and no e coli. Based on this information Johnson Utilities has lifted the “Drinking Water Warning” advising customers to boil water before using.

Johnson Utilities apologizes for the inconvenience this warning may have caused. Some of our customers are wondering how this can happen. Water systems do get contaminated from time to time; however, in this case,

we believe there never was any e coli contamination. Rather, the false positives that were detected likely resulted from sampling errors or cross-contamination by the laboratory.

Johnson Utilities will exceed the required testing frequencies established by ADEQ to ensure we provide safe and reliable drinking water to our valued customers.

###

DRINKING WATER WARNING LIFTED

Customers of Johnson Utilities were notified on August 21, 2012 and August 22, 2012 of a suspected problem with our drinking water and were advised to use an alternative source of water (e.g., bottled water) or boil the water before using. Follow-up tests have verified that any problem has been corrected and that it is no longer necessary to boil the water. We apologize for any inconvenience and thank you for your patience.

IT IS NO LONGER NECESSARY TO BOIL YOUR DRINKING WATER OR USE AN ALTERNATIVE SOURCE OF WATER

Out of an abundance of caution, please flush all taps, clear out any ice cube trays and/or refrigerator ice and water dispensers. If you currently have a home water filtration system, we recommend changing your filter.

As always, you may contact Johnson Utilities at [\(480\) 987-9870](tel:4809879870) or visit our main office at 968 East Hunt Highway, Queen Creek, Arizona 85242 with any comments or questions.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Johnson Utilities, State Water System ID#: [11-128](#).

Date distributed: [08/23/2012](#).

The Boil Water Advisory applied to customers of the Johnson Utilities water system who live north of Franklin Drive, just south of Magic Ranch subdivision. If you are south of Franklin Drive (for instance, you live in Anthem at Merrill Ranch) you are provided water by other water systems. If you pay your water bill to the Town of Queen Creek Diversified Water Utilities, Inc., or H2O, Inc., even if you pay a sewer bill to Johnson Utilities, you were not affected by the boil water advisory, and this public notice does not apply to you.

Any ADEQ translation or communication in a language other than English is unofficial and not binding on the State of Arizona. *Cualquier traducción o comunicado de ADEQ en un idioma diferente al inglés no es oficial y no sujetará al Estado de Arizona a ninguna obligación jurídica.*

David
602-670-7145(m)
Sent from my iPhone-Please excuse typos



David Weissman | Director of Public Relations
101 N. First Avenue, Suite 2900, Phoenix, AZ 85003
T: 480.317.6072 | M: 602.670.7145 | F: 480.804.0033
E-mail: david.weissman@rpartners.com | www.rpartners.com

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Attachment 8

JOHNSON UTILITIES COMPANY, L.L.C.

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

For Immediate Release
August 23, 2012

Media Contact:
David Weissman
R&R Partners
(480) 317-6072

Tests confirm Johnson Utilities drinking water is safe *All restrictions have been lifted*

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Johnson Utilities apologizes for the inconvenience this warning may have caused. Some of our customers are wondering how this can happen. Water systems do get contaminated from time to time; however, in this case, we believe there never was any e coli contamination. Rather, the false positives that were detected likely resulted from sampling errors or cross-contamination by the laboratory.

Johnson Utilities will exceed the required testing frequencies established by ADEQ to ensure we provide safe and reliable drinking water to our valued customers.

###

DRINKING WATER WARNING LIFTED

Customers of Johnson Utilities were notified on August 21, 2012 and August 22, 2012 of a suspected problem with our drinking water and were advised to use an alternative source of water (e.g., bottled water) or boil the water before using. Follow-up tests have verified that any problem has been corrected and that it is no longer necessary to boil the water. We apologize for any inconvenience and thank you for your patience.

IT IS NO LONGER NECESSARY TO BOIL YOUR DRINKING WATER OR USE AN ALTERNATIVE SOURCE OF WATER

Out of an abundance of caution, please flush all taps, clear out any ice cube trays and/or refrigerator ice and water dispensers. If you currently have a home water filtration system, we recommend changing your filter.

As always, you may contact Johnson Utilities at (480) 987-9870 or visit our main office at 968 East Hunt Highway, Queen Creek, Arizona 85242 with any comments or questions.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Johnson Utilities, State Water System ID#: 11-128.
Date distributed: 08/23/2012.

The Boil Water Advisory applied to customers of the Johnson Utilities water system who live north of Franklin Drive, just south of Magic Ranch subdivision. If you are south of Franklin Drive (for instance, you live in Anthem at Merrill Ranch) you are provided water by other water systems. If you pay your water bill to the Town of Queen Creek Diversified Water Utilities, Inc., or H2O, Inc., even if you pay a sewer bill to Johnson Utilities, you were not affected by the boil water advisory, and this public notice does not apply to you.

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Attachment 9

Arizona Department of Environmental Quality
Total Coliform Rule Distribution System Monitoring
Drinking Water Microbiological Analysis Report

| | |
|-----------------------------------|-------------------------------------|
| PWS ID Number: AZ 04 - 11-12R | PWS Name: Johnson Utilities L.L.C |
| Sample Date: 8.20.12 | Owner / Contact Person: Rod Spencer |
| Sample Time (24-hr clock): 10:47A | Phone Number: 480-987-9870 |

Repeat Samples Only - Check One
Use if Initial Sample was Positive

Lab Specimen ID# of Initial Sample

- Original Location (Distribution System)
- Upstream Location (Distribution System)
- Downstream Location (Distribution System)
- Other Location (Distribution System)
- 4th Repeat "Other" Sample Taken at Well (raw water) if PWS serves 1,000 or less

| | | |
|--------------------------------|----|----------------------|
| Sampling Distribution Site ID: | OR | Well 55-xxxxxx |
| main yard | | 55- |
| | | Cl ₂ mg/L |

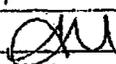
(Not for MRDL reporting)

Microbiological Analysis (To be filled out by lab personnel)

| Lab Specimen ID | 310 ^a Total Coliform | | 3013 Fecal Coliform | | 3014 E. coli | | Analysis Start | | Analysis Complete | |
|--|------------------------------------|--------|------------------------|--------|-----------------|--------|----------------|------|-------------------|------|
| | Method | Result | Method | Result | Method | Result | Date | Time | Date | Time |
| 2081639-01 | 9233R | A | | | | | 8/21/12 | 1520 | 8/22/12 | 1020 |
| Only report below for Ground Water Rule. 4 th Repeat "Other" (raw water sample). Must use method that provides E. coli as a result. | | | | | | | | | | |
| | | | | | | | | | | |

MCL: If system is ≤ 33,000, then MCL is 2 or more total coliform-positive.
If system is > 33,000, then no more than 5% of the samples may be total coliform-positive.

Laboratory Information (To be filled out by lab personnel)

| | |
|---|---------------------------------|
| Lab Name: Legend Technical Services, Inc. | Lab Certified ID Number: AZ0004 |
| Lab Contact, printed name: Trina Spangle | Lab Phone Number: 602-324-6103 |
| Signature:  | |
| Date PWS Notified: | PWS Person Notified: |
| Any positive routine or increased routine TCR sample triggers the GWR and requires ADEQ notification. | |
| Date ADEQ Notified: | ADEQ Person Notified: |

| |
|----------|
| Comments |
|----------|

Please mail completed form to:
Arizona Department of Environmental Quality
Water Quality Data Unit, 6415B-1
1110 West Washington Street
Phoenix, AZ 85007

Questions Regarding the Total Coliform Rule:
Call (602) 771-4560
within AZ (800) 234-6977, ext 771-4560

Arizona Department of Environmental Quality
 Total Coliform Rule Distribution System Monitoring
 Drinking Water Microbiological Analysis Report

| | |
|------------------------------------|-------------------------------------|
| PWS ID Number: AZ 04-11-128 | PWS Name: Johnson Utilities LLC |
| Sample Date: 8-20-11 | Owner / Contact Person: Rod Spencer |
| Sample Time (24-hr clock): 11:11 A | Phone Number: 480-987-9870 |

Repeat Samples Only - Check One
 Use if Initial Sample was Positive

Lab Specimen ID # of Initial Sample

Original Location (Distribution System)
 Upstream Location (Distribution System)
 Downstream Location (Distribution System)
 Other Location (Distribution System)
 4th Repeat "Other" Sample Taken at Well (raw water) if PWS serves 1,000 or less

| | | |
|--------------------------------|----|----------------------|
| Sampling Distribution Site ID: | OR | Well 55-xxxxxx |
| Edwards tank | | 55- |
| | | Cl ₂ mg/L |

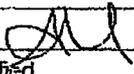
(Not for MRDL reporting)

Microbiological Analysis (To be filled out by lab personnel)

| Lab Specimen ID | 3015 Total Coliform | | 3015 Fecal Coliform | | 3014 E. coli | | Analysis Start | | Analysis Complete | |
|--|------------------------|--------|------------------------|--------|-----------------|--------|-------------------|------|----------------------|------|
| | Method | Result | Method | Result | Method | Result | Date | Time | Date | Time |
| 2081639-02 | 9223A | A | | | | | 8/21/12 | 1520 | 8/22/12 | 1020 |
| Only report below for Ground Water Rule. 4 th Repeat "Other" (raw water sample). Must use method that provides E. coli as a result. | | | | | | | | | | |
| | | | | | | | | | | |

MCL: If system is \leq 33,000, then MCL is 2 or more total coliform-positive.
 If system is $>$ 33,000, then no more than 5% of the samples may be total coliform-positive.

Laboratory Information (To be filled out by lab personnel)

| | |
|---|---------------------------------|
| Lab Name: Legend Technical Services, Inc. | Lab Certified ID Number: AZ0004 |
| Lab Contact, printed name: Trina Spangle | Lab Phone Number: 602-324-6103 |
| Signature:  | |
| Date PWS Notified: | PWS Person Notified: |
| Any positive routine or increased routine TCR sample triggers the GWR and requires ADEQ notification. | |
| Date ADEQ Notified: | ADEQ Person Notified: |

Comments:

Please mail completed form to:
 Arizona Department of Environmental Quality
 Water Quality Data Unit, 5415R 1
 1110 West Washington Street
 Phoenix, AZ 85007

Questions Regarding the Total Coliform Rule:
 Call (602) 771-4560
 within AZ (800) 234-5677, ext. 771-4560

Arizona Department of Environmental Quality
 Total Coliform Rule Distribution System Monitoring
 Drinking Water Microbiological Analysis Report

| | |
|------------------------------------|-------------------------------------|
| PWS ID Number: AZ 04 - 11-12R | PWS Name: Johnson Utilities L L C |
| Sample Date: 8-20-11 | Owner / Contact Person: Rod Spencer |
| Sample Time (24-hr clock): 11:23 A | Phone Number: 480 967-9870 |

Repeat Samples Only - Check One
 Use if Initial Sample was Positive

Lab Specimen ID # of Initial Sample

- Original Location (Distribution System)
- Upstream Location (Distribution System)
- Downstream Location (Distribution System)
- Other Location (Distribution System)
- 4th Repeat "Other" Sample Taken at Well (raw water) if PWS serves 1,000 or less

| | | |
|--------------------------------|----|----------------------|
| Sampling Distribution Site ID: | OR | Well 55- xxxxxx |
| MSF tank | | 55- |
| | | Cl ₂ mg/L |

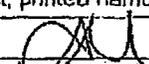
(Not for MRDL reporting)

Microbiological Analysis (To be filled out by lab personnel)

| Lab Specimen ID | 3006 Total Coliform | | 3013 Fecal Coliform | | 3014 E. coli | | Analysis Start | | Analysis Complete | |
|--|---------------------|--------|---------------------|--------|--------------|--------|----------------|------|-------------------|------|
| | Method | Result | Method | Result | Method | Result | Date | Time | Date | Time |
| 2081639-03 | 9225R | A | | | | | 8/21/12 | 1520 | 8/22/12 | 1020 |
| Only report below for Ground Water Rule. 4 th Repeat "Other" (raw water sample). Must use method that provides E. coli as a result. | | | | | | | | | | |
| | | | | | | | | | | |

MCL: If system is ≤ 33,000, then MCL is 2 or more total coliform-positive.
 If system is > 33,000, then no more than 5% of the samples may be total coliform-positive.

Laboratory Information (To be filled out by lab personnel)

| | |
|---|---------------------------------|
| Lab Name: Legend Technical Services, Inc. | Lab Certified ID Number: AZ0004 |
| Lab Contact, printed name: Trina Spangle | Lab Phone Number: 602-324-6103 |
| Signature:  | |
| Date PWS Notified: | PWS Person Notified: |
| Any positive routine or increased routine TCR sample triggers the GWR and requires ADEQ notification. | |
| Date ADEQ Notified: | ADEQ Person Notified: |

Comments

Please mail completed form to:
 Arizona Department of Environmental Quality
 Water Quality Data Unit, 5415B-1
 1110 West Washington Street
 Phoenix, AZ 85007

Questions Regarding the Total Coliform Rule:
 Call (602) 771-4560
 within AZ (800) 234-5677, ext. 771-4560

Arizona Department of Environmental Quality
 Total Coliform Rule Distribution System Monitoring
 Drinking Water Microbiological Analysis Report

| | |
|------------------------------------|-------------------------------------|
| PWS ID Number: AZ 04 - 11-12B | PWS Name: Johnson Utilities L.L.C. |
| Sample Date: 8-20-12 | Owner / Contact Person: Rod Spencer |
| Sample Time (24-hr clock): 11:41 A | Phone Number: 480 987-9870 |

Repeat Samples Only - Check One
 Use if Initial Sample was Positive

Lab Specimen ID # of Initial Sample

- Original Location (Distribution System)
- Upstream Location (Distribution System)
- Downstream Location (Distribution System)
- Other Location (Distribution System)
- 4th Repeat "Other" Sample Taken at Well (raw water) if PWS serves 1,000 or less

| | | |
|--------------------------------|----|----------------------|
| Sampling Distribution Site ID: | OR | Well 55- xxxxxx |
| Circle Cross | | 55- |
| | | Cl ₂ mg/L |

(Not for MRDL reporting)

Microbiological Analysis (To be filled out by lab personnel)

| Lab Specimen ID | 3106 Total Coliform | | 3103 Fecal Coliform | | 3104 E. coli | | Analysis Start | | Analysis Complete | |
|--|---------------------|--------|---------------------|--------|--------------|--------|----------------|------|-------------------|------|
| | Method | Result | Method | Result | Method | Result | Date | Time | Date | Time |
| 2081639-04 | 9225R | A | X | X | X | X | 8/21/12 | 1520 | 8/22/12 | 1020 |
| Only report below for Ground Water Rule. 4 th Repeat "Other" (raw water sample). Must use method that provides E. coli as a result. | | | | | | | | | | |
| | | | X | X | | | | | | |

MCL: If system is \leq 33,000, then MCL is 2 or more total coliform-positive.
 If system is $>$ 33,000 then no more than 5% of the samples may be total coliform-positive.

Laboratory Information (To be filled out by lab personnel)

| | |
|---|---------------------------------|
| Lab Name: Legend Technical Services, Inc. | Lab Certified ID Number: AZ0004 |
| Lab Contact, printed name: Trina Spangle | Lab Phone Number: 602-324-6103 |
| Signature: <i>[Signature]</i> | |
| Date PWS Notified: | PWS Person Notified: |
| Any positive routine or increased routine TCR sample triggers the GWR and requires ADEQ notification. | |
| Date ADEQ Notified: | ADEQ Person Notified: |

Comments:

Please mail completed form to:
 Arizona Department of Environmental Quality
 Water Quality Data Unit, 54150.1
 1110 West Washington Street
 Phoenix, AZ 85007

Questions Regarding the Total Coliform Rule:
 Call (602) 771-4560
 within AZ (800) 234-5677, ext. 771-4560

Arizona Department of Environmental Quality
 Total Coliform Rule Distribution System Monitoring
 Drinking Water Microbiological Analysis Report

| | |
|-----------------------------------|-------------------------------------|
| PWS ID Number: AZ 04 - 11-12B | PWS Name: Johnson Utilities L L C |
| Sample Date: 8-20-11 | Owner / Contact Person: Rod Spencer |
| Sample Time (24-hr clock): 12:00p | Phone Number: 480-987-9870 |

Repeat Samples Only - Check One
 Use if Initial Sample was Positive

Lab Specimen ID # of Initial Sample:

- Original Location (Distribution System)
- Upstream Location (Distribution System)
- Downstream Location (Distribution System)
- Other Location (Distribution System)
- 4th Repeat "Other" Sample Taken at Well (raw water) if PWS serves 1,000 or less

| | | |
|--------------------------------|----|----------------------|
| Sampling Distribution Site ID: | OR | Well 55- xxxxxx |
| Ricky tank | | 55- |
| | | Cl ₂ mg/L |

(Not for MRDL reporting)

Microbiological Analysis (To be filled out by lab personnel)

| Lab Specimen ID | 3106 Total Coliform | | 3013 Fecal Coliform | | 3014 E. coli | | Analysis Start | | Analysis Complete | |
|--|---------------------|--------|---------------------|--------|--------------|--------|----------------|------|-------------------|------|
| | Method | Result | Method | Result | Method | Result | Date | Time | Date | Time |
| 2081639-05 | 9223R | A | | | | | 8/21/12 | 1520 | 8/22/12 | 1020 |
| Only report below for Ground Water Rule. 4 th Repeat "Other" (raw water sample). Must use method that provides E. coli as a result. | | | | | | | | | | |
| | | | | | | | | | | |

MCL: If system is ≤ 33,000, then MCL is 2 or more total coliform-positive.
 If system is > 33,000, then no more than 5% of the samples may be total coliform-positive.

Laboratory Information (To be filled out by lab personnel)

| | |
|---|---------------------------------|
| Lab Name: Legend Technical Services, Inc. | Lab Certified ID Number: AZ0004 |
| Lab Contact, printed name: Trina Spangle | Lab Phone Number: 602-324-6103 |
| Signature:  | |
| Date PWS Notified: | PWS Person Notified: |
| Any positive routine or increased routine TCR sample triggers the GWR and requires ADEQ notification. | |
| Date ADEQ Notified: | ADEQ Person Notified: |
| Comments: | |

Please mail completed form to:
 Arizona Department of Environmental Quality
 Water Quality Data Unit, 5415B-1
 1110 West Washington Street
 Phoenix, AZ 85007

Questions Regarding the Total Coliform Rule:
 Call (602) 771-4560
 within AZ (900) 234-5677, ext. 771-4560

Arizona Department of Environmental Quality
 Total Coliform Rule Distribution System Monitoring
 Drinking Water Microbiological Analysis Report

| | |
|-----------------------------------|-------------------------------------|
| PWS ID Number: AZ 04 - 11-12B | PWS Name: Johnson Utilities L.L.C. |
| Sample Date: 8-20-11 | Owner / Contact Person: Rod Spencer |
| Sample Time (24-hr clock): 12:18p | Phone Number: 480 987-9870 |

Repeat Samples Only - Check One
 Use if Initial Sample was Positive

Lab Specimen ID # of Initial Sample

Original Location (Distribution System)
 Upstream Location (Distribution System)
 Downstream Location (Distribution System)
 Other Location (Distribution System)
 4th Repeat "Other" Sample Taken at Well
 (raw water) if PWS serves 1,000 or less

| | | |
|--------------------------------|----|----------------------|
| Sampling Distribution Site ID: | OR | Well 55-xxxxxx |
| wildhorse tank | | 55- |
| | | Cl ₂ mg/L |

(Not for MRDL reporting)

Microbiological Analysis (To be filled out by lab personnel)

| Lab Specimen ID | 3106 Total Coliform | | 3015 Fecal Coliform | | 3014 E. coli | | Analysis Start | | Analysis Complete | |
|--|------------------------|--------|------------------------|--------|-----------------|--------|-------------------|------|----------------------|------|
| | Method | Result | Method | Result | Method | Result | Date | Time | Date | Time |
| 2081639-06 | 9223B | A | | | | | 8/21/12 | 1520 | 8/22/12 | 1020 |
| Only report below for Ground Water Rule. 4 th Repeat "Other" (raw water sample). Must use method that provides E. coli as a result. | | | | | | | | | | |
| | | | | | | | | | | |

MCL: If system is ≤ 33,000, then MCL is 2 or more total coliform-positive.
 If system is > 33,000, then no more than 5% of the samples may be total coliform-positive.

Laboratory Information (To be filled out by lab personnel)

| | |
|---|---------------------------------|
| Lab Name: Legend Technical Services, Inc. | Lab Certified ID Number: AZ0004 |
| Lab Contact, printed name: Trina Spangle | Lab Phone Number: 602-324-6103 |
| Signature: <i>TS</i> | |
| Date PWS Notified: | PWS Person Notified: |
| Any positive routine or increased routine TCR sample triggers the GWR and requires ADEQ notification. | |
| Date ADEQ Notified: | ADEQ Person Notified: |

Comments:

Please mail completed form to:
 Arizona Department of Environmental Quality
 Water Quality Data Unit, 5415B-1
 1110 West Washington Street
 Phoenix, AZ 85007

Questions Regarding the Total Coliform Rule:
 Call (602) 771-4560
 within AZ (800) 234-5677, ext. 771-4560

Arizona Department of Environmental Quality
 Total Coliform Rule Distribution System Monitoring
 Drinking Water Microbiological Analysis Report

| | |
|----------------------------------|-------------------------------------|
| PWS ID Number: AZ 04 - 11-128 | PWS Name: Johnson Utilities L L C |
| Sample Date: 8-20-12 | Owner / Contact Person: Rod Spencer |
| Sample Time (24-hr clock): 1250p | Phone Number: 480-987-9870 |

Repeat Samples Only - Check One
 Use if Initial Sample was Positive

Lab Specimen ID # of Initial Sample

Original Location (Distribution System)
 Upstream Location (Distribution System)
 Downstream Location (Distribution System)
 Other Location (Distribution System)
 4th Repeat "Other" Sample Taken at Well
 (raw water) if PWS serves 1,000 or less

| | | |
|--------------------------------|----|----------------------|
| Sampling Distribution Site ID: | OR | Well 55- xxxxxx |
| Oasis tank | | 55- |
| | | Cl ₂ mg/L |

(Not for MRDL reporting)

Microbiological Analysis (To be filled out by lab personnel)

| Lab Specimen ID | 3104 Total Coliform | | 3013 Fecal Coliform | | 3014 E. coli | | Analysis Start | | Analysis Complete | |
|--|------------------------|--------|------------------------|--------|-----------------|--------|-------------------|------|----------------------|------|
| | Method | Result | Method | Result | Method | Result | Date | Time | Date | Time |
| 2081639-07 | 9223F | A | | | | | 8/21/12 | 1520 | 8/22/12 | |
| Only report below for Ground Water Rule. 4 th Repeat "Other" (raw water sample). Must use method that provides E. coli as a result. | | | | | | | | | | |
| | | | | | | | | | | |

MCL: If system is ≤ 33,000, then MCL is 2 or more total coliform-positive.
 If system is > 33,000, then no more than 5% of the samples may be total coliform-positive.

Laboratory Information (To be filled out by lab personnel)

| | |
|---|---------------------------------|
| Lab Name: Legend Technical Services, Inc. | Lab Certified ID Number: AZ0004 |
| Lab Contact, printed name: Trina Spangle | Lab Phone Number: 602-324-6103 |
| Signature: | |
| Date PWS Notified: | PWS Person Notified: |
| Any positive routine or increased routine TCR sample triggers the GWR and requires ADEQ notification. | |
| Date ADEQ Notified: | ADEQ Person Notified: |

Comments:

Please mail completed form to:
 Arizona Department of Environmental Quality
 Water Quality Data Unit, 5415B-1
 1110 West Washington Street
 Phoenix, AZ 85007

Questions Regarding the Total Coliform Rule:
 Call (602) 771-4560
 within AZ (800) 234-5677, ext 771-4560

Attachment 10

APPENDIX D
PUBLIC NOTIFICATION RULE

Environmental Protection Agency

§ 141.33

[73 FR 31623, June 3, 2008]

Subpart D—Reporting and
Recordkeeping

§ 141.31 Reporting requirements.

(a) Except where a shorter period is specified in this part, the supplier of water shall report to the State the results of any test measurement or analysis required by this part within (1) The first ten days following the month in which the result is received, or (2) the first ten days following the end of the required monitoring period as stipulated by the State, whichever of these is shortest.

(b) Except where a different reporting period is specified in this part, the supplier of water must report to the State within 48 hours the failure to comply with any national primary drinking water regulation (including failure to comply with monitoring requirements) set forth in this part.

(c) The supplier of water is not required to report analytical results to the State in cases where a State laboratory performs the analysis and reports the results to the State office which would normally receive such notification from the supplier.

(d) The public water system, within 10 days of completing the public notification requirements under Subpart Q of this part for the initial public notice and any repeat notices, must submit to the primacy agency a certification that it has fully complied with the public notification regulations. The public water system must include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.

(e) The water supply system shall submit to the State within the time stated in the request copies of any records required to be maintained under § 141.33 hereof or copies of any documents then in existence which the State or the Administrator is entitled to inspect pursuant to the authority of section 1445 of the Safe Drinking Water

Act or the equivalent provisions of State law.

[40 FR 59570, Dec. 24, 1975, as amended at 45 FR 57345, Aug. 27, 1980; 65 FR 26022, May 4, 2000]

§ 141.32 [Reserved]

§ 141.33 Record maintenance.

Any owner or operator of a public water system subject to the provisions of this part shall retain on its premises or at a convenient location near its premises the following records:

(a) Records of microbiological analyses and turbidity analyses made pursuant to this part shall be kept for not less than 5 years. Records of chemical analyses made pursuant to this part shall be kept for not less than 10 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

(1) The date, place, and time of sampling, and the name of the person who collected the sample;

(2) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample or other special purpose sample;

(3) Date of analysis;

(4) Laboratory and person responsible for performing analysis;

(5) The analytical technique/method used; and

(6) The results of the analysis.

(b) Records of action taken by the system to correct violations of primary drinking water regulations shall be kept for a period not less than 3 years after the last action taken with respect to the particular violation involved.

(c) Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, State or Federal agency, shall be kept for a period not less than 10 years after completion of the sanitary survey involved.

(d) Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than 5 years following the expiration of such variance or exemption.

(e) Copies of public notices issued pursuant to Subpart Q of this part and

Arizona Department of Environmental Quality Certificate of Public Notice Distribution

Public water systems (PWSs) must submit this signed Certificate of Distribution and provide a copy of each public notice within ten days of issuance. PWSs should consult with the ADEQ Rule Specialists for appropriate methods of public notice.

PWS Name _____
PWS ID # _____ Violation Type: MCL Monitoring Other
Date of Violation _____ Contaminant _____
Date Notice Distributed _____

Public Notice was distributed by the following method(s):
[Please check all that apply]

Community water systems must use at least one of the following methods:

- Direct Hand Delivery to Customer – (Tiers 1, 2, 3)
- Individual Customer Mailing – (Tiers 2, 3)
- Posting at Conspicuous Locations throughout System (Tiers 1, 2, 3) –
Please indicate location & number of postings _____
- Publication in Local Newspaper – (Tiers 2, 3)
- TV Station – (Tier 1)
- Radio Station – (Tier 1)
- Consumer Confidence Report – (Tier 3)
- Other (Must be approved by ADEQ) _____

Non-Community water systems must use at least one of the following methods:

- Direct Hand Delivery to Customer – (Tiers 1, 2, 3)
- Individual Customer Mailing – (Tiers 2, 3)
- Posting at Conspicuous Locations throughout System (Tiers 1, 2, 3) –
Please indicate location & number of postings _____
- Publication in Local Newspaper – (Tiers 2, 3)
- E-mail to notify employees and students – (Tiers 1, 2)
- Other (Must be approved by ADEQ) _____

I certify that the above information is true and accurate to the best of my knowledge:

Name and Title (PRINT) _____
Signature _____ Date _____
Certified Operator # (if applicable) _____

- Tier 1 – Acute MCL violation, 24-hour public notice
- Tier 2 – Non-Acute MCL violation, 30-day public notice
- Tier 3 – Monitoring violation, 1 year public notice

For questions, please contact Donna Calderon at 602-771-4641 • Fax number: 602-771-4634
1110 West Washington Street Phoenix, Arizona 85007

The Public Notification Rule (40 CFR Part 40 CFR 141, Subpart Q)

§ 141.201

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than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must arrange for the conduct of a comprehensive performance evaluation by the State or a third party approved by the State no later than 30 days following the exceedance and have the evaluation completed and submitted to the State no later than 90 days following the exceedance.

(c) *Additional reporting requirements.*

(1) If at any time the turbidity exceeds 1 NTU in representative samples of filtered water in a system using conventional filtration treatment or direct filtration, the system must inform the State as soon as possible, but no later than the end of the next business day.

(2) If at any time the turbidity in representative samples of filtered water exceeds the maximum level set by the State under § 141.173(b) for filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration, the system must inform the State as soon as possible, but no later than the end of the next business day.

[63 FR 69516, Dec. 16, 1998, as amended at 66 FR 3779, Jan. 16, 2001]

Subpart Q—Public Notification of Drinking Water Violations

SOURCE: 65 FR 26035, May 4, 2000, unless otherwise noted.

§ 141.201 General public notification requirements.

Public water systems in States with primacy for the public water system supervision (PWSS) program must comply with the requirements in this subpart no later than May 6, 2002 or on the date the State-adopted rule becomes effective, whichever comes first. Public water systems in jurisdictions where EPA directly implements the PWSS program must comply with the requirements in this subpart on October 31, 2000. Prior to these dates, public water systems must continue to com-

ply with the public notice requirements in § 141.32 of this part. The term "primacy agency" is used in this subpart to refer to either EPA or the State or the Tribe in cases where EPA, the State, or the Tribe exercises primary enforcement responsibility for this subpart.

(a) *Who must give public notice?* Each owner or operator of a public water system (community water systems, non-transient non-community water systems, and transient non-community water systems) must give notice for all violations of national primary drinking water regulations (NPDWR) and for other situations, as listed in Table 1. The term "NPDWR violations" is used in this subpart to include violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in this part 141. Appendix A to this subpart identifies the tier assignment for each specific violation or situation requiring a public notice.

TABLE 1 TO § 141.201—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A PUBLIC NOTICE

- (1) NPDWR violations:
 - (i) Failure to comply with an applicable maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL).
 - (ii) Failure to comply with a prescribed treatment technique (TT).
 - (iii) Failure to perform water quality monitoring, as required by the drinking water regulations.
 - (iv) Failure to comply with testing procedures as prescribed by a drinking water regulation.
- (2) Variance and exemptions under sections 1415 and 1416 of SDWA:
 - (i) Operation under a variance or an exemption.
 - (ii) Failure to comply with the requirements of any schedule that has been set under a variance or exemption.
- (3) Special public notices:
 - (i) Occurrence of a waterborne disease outbreak or other waterborne emergency.

TABLE 1 TO § 141.202—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 1 PUBLIC NOTICE—Continued

- (4) Violation of the MRDL for chlorine dioxide, as defined in § 141.65(a), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water system does not take the required samples in the distribution system, as specified in § 141.133(c)(2)(i);
- (5) Violation of the turbidity MCL under § 141.13(b), where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;
- (6) Violation of the Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR) or Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit (as identified in Appendix A), where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;
- (7) Occurrence of a waterborne disease outbreak, as defined in § 141.2, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);
- (8) Detection of *E. coli*, enterococci, or coliphage in source water samples as specified in § 141.402(a) and § 141.402(b);
- (9) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the primacy agency either in its regulations or on a case-by-case basis.

(b) *When is the Tier 1 public notice to be provided? What additional steps are required? Public water systems must:*

(1) Provide a public notice as soon as practical but no later than 24 hours

after the system learns of the violation;

(2) Initiate consultation with the primacy agency as soon as practical, but no later than 24 hours after the public water system learns of the violation or situation, to determine additional public notice requirements; and

(3) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the primacy agency. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.

(c) *What is the form and manner of the public notice?* Public water systems must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, water systems are to use, at a minimum, one or more of the following forms of delivery:

(1) Appropriate broadcast media (such as radio and television);

(2) Posting of the notice in conspicuous locations throughout the area served by the water system;

(3) Hand delivery of the notice to persons served by the water system; or

(4) Another delivery method approved in writing by the primacy agency.

[65 FR 26035, May 4, 2000, as amended at 67 FR 1836, Jan. 14, 2002; 71 FR 65652, Nov. 8, 2006]

§ 141.203 Tier 2 Public Notice—Form, manner, and frequency of notice.

(a) *Which violations or situations require a Tier 2 public notice?* Table 1 of this section lists the violation categories and other situations requiring a Tier 2 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.

§ 141.204

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water is delivered by the public water system; and

(i) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in paragraph (c)(1)(i) of this section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the system or on the Internet; or delivery to community organizations.

(2) Unless directed otherwise by the primacy agency in writing, non-community water systems must provide notice by:

(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and

(ii) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in paragraph (c)(2)(i) of this section. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

[65 FR 26035, May 4, 2000, as amended at 67 FR 1836, Jan. 14, 2002; 71 FR 65652, Nov. 8, 2006]

§ 141.204 Tier 3 Public Notice—Form, manner, and frequency of notice.

(a) Which violations or situations require a Tier 3 public notice? Table 1 of this section lists the violation categories and other situations requiring a Tier 3 public notice. Appendix A to this subpart identifies the tier assign-

ment for each specific violation or situation.

TABLE 1 TO § 141.204—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 3 PUBLIC NOTICE

- (1) Monitoring violations under 40 CFR part 141, except where a Tier 1 notice is required under § 141.202(a) or where the primacy agency determines that a Tier 2 notice is required;
- (2) Failure to comply with a testing procedure established in 40 CFR part 141, except where a Tier 1 notice is required under § 141.202(a) or where the primacy agency determines that a Tier 2 notice is required;
- (3) Operation under a variance granted under Section 1415 or an exemption granted under Section 1416 of the Safe Drinking Water Act;
- (4) Availability of unregulated contaminant monitoring results, as required under § 141.207; and
- (5) Exceedance of the fluoride secondary maximum contaminant level (SMCL), as required under § 141.208.

(b) When is the Tier 3 public notice to be provided?

(1) Public water systems must provide the public notice not later than one year after the public water system learns of the violation or situation or begins operating under a variance or exemption. Following the initial notice, the public water system must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days (even if the violation or situation is resolved).

(2) Instead of individual Tier 3 public notices, a public water system may use an annual report detailing all violations and situations that occurred during the previous twelve months, as long as the timing requirements of paragraph (b)(1) of this section are met.

(c) What is the form and manner of the Tier 3 public notice? Public water systems must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required

owner, operator, or designee of the public water system as a source of additional information concerning the notice; and

(10) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under paragraph (d)(3) of this section, where applicable.

(b) *What elements must be included in the public notice for public water systems operating under a variance or exemption?*

(1) If a public water system has been granted a variance or an exemption, the public notice must contain:

(i) An explanation of the reasons for the variance or exemption;

(ii) The date on which the variance or exemption was issued;

(iii) A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and

(iv) A notice of any opportunity for public input in the review of the variance or exemption.

(2) If a public water system violates the conditions of a variance or exemption, the public notice must contain the ten elements listed in paragraph (a) of this section.

(c) *How is the public notice to be presented?*

(1) Each public notice required by this section:

(i) Must be displayed in a conspicuous way when printed or posted;

(ii) Must not contain overly technical language or very small print;

(iii) Must not be formatted in a way that defeats the purpose of the notice;

(iv) Must not contain language which nullifies the purpose of the notice.

(2) Each public notice required by this section must comply with multilingual requirements, as follows:

(i) For public water systems serving a large proportion of non-English speaking consumers, as determined by the primacy agency, the public notice must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the no-

tice or to request assistance in the appropriate language.

(ii) In cases where the primacy agency has not determined what constitutes a large proportion of non-English speaking consumers, the public water system must include in the public notice the same information as in paragraph (c)(2)(i) of this section, where appropriate to reach a large proportion of non-English speaking persons served by the water system.

(d) *What standard language must public water systems include in their public notice?* Public water systems are required to include the following standard language in their public notice:

(1) Standard health effects language for MCL or MRDL violations, treatment technique violations, and violations of the condition of a variance or exemption. Public water systems must include in each public notice the health effects language specified in Appendix B to this subpart corresponding to each MCL, MRDL, and treatment technique violation listed in Appendix A to this subpart, and for each violation of a condition of a variance or exemption.

(2) Standard language for monitoring and testing procedure violations. Public water systems must include the following language in their notice, including the language necessary to fill in the blanks, for all monitoring and testing procedure violations listed in Appendix A to this subpart:

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period], we "did not monitor or test" or "did not complete all monitoring or testing" for [contaminant(s)], and therefore cannot be sure of the quality of your drinking water during that time.

(3) Standard language to encourage the distribution of the public notice to all persons served. Public water systems must include in their notice the following language (where applicable):

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

For more information, please call [name of water system contact] of [name of community water system] at [phone number]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP."

§ 141.209 Special notice for nitrate exceedances above MCL by non-community water systems (NCWS), where granted permission by the primacy agency under § 141.11(d)

(a) *When is the special notice to be given?* The owner or operator of a non-community water system granted permission by the primacy agency under § 141.11(d) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under § 141.202(a) and (b).

(b) *What is the form and manner of the special notice?* Non-community water systems granted permission by the primacy agency to exceed the nitrate MCL under § 141.11(d) must provide continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under § 141.202(c) and the content requirements under § 141.205.

§ 141.210 Notice by primacy agency on behalf of the public water system.

(a) *May the primacy agency give the notice on behalf of the public water system?* The primacy agency may give the notice required by this subpart on behalf of the owner and operator of the public water system if the primacy agency complies with the requirements of this subpart.

(b) *What is the responsibility of the public water system when notice is given by the primacy agency?* The owner or operator of the public water system remains responsible for ensuring that the requirements of this subpart are met.

§ 141.211 Special notice for repeated failure to conduct monitoring of the source water for *Cryptosporidium* and for failure to determine bin classification or mean *Cryptosporidium* level.

(a) *When is the special notice for repeated failure to monitor to be given?* The owner or operator of a community or non-community water system that is

required to monitor source water under § 141.701 must notify persons served by the water system that monitoring has not been completed as specified no later than 30 days after the system has failed to collect any 3 months of monitoring as specified in § 141.701(c). The notice must be repeated as specified in § 141.203(b).

(b) *When is the special notice for failure to determine bin classification or mean *Cryptosporidium* level to be given?* The owner or operator of a community or non-community water system that is required to determine a bin classification under § 141.710, or to determine mean *Cryptosporidium* level under § 141.712, must notify persons served by the water system that the determination has not been made as required no later than 30 days after the system has failed report the determination as specified in § 141.710(e) or § 141.712(a), respectively. The notice must be repeated as specified in § 141.203(b). The notice is not required if the system is complying with a State-approved schedule to address the violation.

(c) *What is the form and manner of the special notice?* The form and manner of the public notice must follow the requirements for a Tier 2 public notice prescribed in § 141.203(c). The public notice must be presented as required in § 141.205(c).

(d) *What mandatory language must be contained in the special notice?* The notice must contain the following language, including the language necessary to fill in the blanks.

(1) The special notice for repeated failure to conduct monitoring must contain the following language:

We are required to monitor the source of your drinking water for *Cryptosporidium*. Results of the monitoring are to be used to determine whether water treatment at the (treatment plant name) is sufficient to adequately remove *Cryptosporidium* from your drinking water. We are required to complete this monitoring and make this determination by (required bin determination date). We "did not monitor or test" or "did not complete all monitoring or testing" on schedule and, therefore, we may not be able to determine by the required date what treatment modifications, if any, must be made to ensure adequate *Cryptosporidium* removal. Missing this deadline may, in turn, jeopardize our ability to have the required

Attachment 11

**JOHNSON UTILITIES
EMERGENCY RESPONSE PLAN**

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Attachment 3

JOHNSON UTILITIES, L.L.C.

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

November 21, 2012

Deborah L. Schadewald-Kohler
Water Quality Utility Field Service Unit
MC: 5415B-1
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. Section III, Documenting Compliance, contains seven action items that need to be responded to by JU. Each item has a deadline date. The dates range from 30-days to 90-days. This response addresses items 5 and 6 which have a 45-day deadline. Item 7, requires prior approval by ADEQ of the revised Emergency Response Plan. For JU to meet this response, ADEQ will need to approve the ERP prior to the due date of December 11, 2012. Our responses follow each of the NOV items:

NOV Item

5. Within 45 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, or revisions to the emergency plan with particular attention to describing the procedures and actions the water system provides for the users.

The emergency operations plan shall detail the steps that the community water system will take to assure continuation of service in the following emergency situations:

1. Loss of a source;
2. Loss of water supply due to major component failure;
3. Damage to power supply equipment or loss of power;
4. Contamination of water in the distribution system from backflow;
5. Collapse of a reservoir, reservoir roof, or pumphouse structure;
6. A break in a transmission or distribution line; and
7. Chemical or microbiological contamination of the water supply.

The emergency operations plan required by subsection (A) shall address all of the following:

1. Provision of alternate sources of water during the emergency;
 2. Notice procedures for regulatory agencies, news media, and users;
 3. Disinfection and testing of the distribution system once service is restored;
 4. Identification of critical system components that shall remain in service or be returned to service quickly;
 5. Critical spare parts inventory; and
 6. Staff training in emergency response procedures.
- **Response:** This violation never occurred. The JU Emergency Response Plan (ERP) was completed in October 2005. A "Certificate of Completion of the Emergency Response Plan" was distributed to ADEQ and the US EPA, 1200 Pennsylvania Ave, NW, Washington DC, 20460 on October 3, 2005. The ERP was last revised in September 2010. The ERP was prepared by KUV Consultants, L.L.C. of Glendale, Arizona. KUV has conducted over 20 security vulnerability studies and prepared over 30 emergency response plans. Some of those they assisted are the City of Avondale, Clark County Water Reclamation District, City of El Mirage, City of Eloy, City of Florence, City of Henderson, Town of Marana, Metro Water District, Town of Oro Valley, City of Peoria, Pima County, City of Scottsdale, City of Yuma, and JU.

Section 1.1, Purpose and Scope, of the ERP states the following:

Some of the potential emergencies that can be faced by JUC include (but are not limited to) the following events:

- Losses of water source*
- Loss of water supply due to component failure.*
- Damage to power supply equipment or loss of power.*
- Contamination of water in the distribution system caused by backflow.*
- Breaks in transmission or distribution lines.*
- Contamination of water supply, real and potential.*

These events can be caused by acts of nature (flood, earthquake, fire, storm), unintentional component failure (mechanical, electrical) or by intentional acts (sabotage, terrorism).

The ERP was developed for these and other possible emergencies which meets the requirements of A.A.C. R18-4-204(A). The content of the ERP is provided in Section 1.2, ERP Content, and reads as follows:

The intended users of this ERP include both JUC staff and outsiders (first responders, and County, State and Federal agencies). The ERP outlines JUC'S overall emergency management program and addresses the following issues:

- *Organization and coordination during emergencies.*
- *Activation, notification and mobilization.*
- *Incident management – a general plan to respond to any type of emergency.*
- *Plan maintenance and staff training.*

The plan contains the following Appendices:

- *Appendix A: List of Contacts*
- *Appendix B: Parts Inventory*
- *Appendix C: Emergency Operating Procedures*
- *Appendix D: Water System Map*

It is not the intent of this ERP to provide a step-by-step response strategy when encountering a real emergency. The Plan is intended to provide general guidelines that will, in conjunction with advance planning and regular staff training, facilitate efficient response to various emergencies.

The ERP addresses all of the following items in A.A.C. R18-4-204(B):

1. Provision of alternate sources of water during the emergency;
 2. Notice procedures for regulatory agencies, news media, and users;
 3. Disinfection and testing of the distribution system once service is restored;
 4. Identification of critical system components that shall remain in service or be returned to service quickly;
 5. Critical spare parts inventory; and
 6. Staff training in emergency response procedures.
-
1. **Table A-3 lists the emergency contact for bottled water. In this event, water was available but required boiling for use as drinking water. Appendix C, Emergency Operating Procedures, Section 1, Loss of Source Water Supply, addresses the need for establishing a water hauling schedule in the event alternative water supply is need. However, the JU water system has well looped distribution piping that substantially reduces having an event where water is not available.**
 2. **Appendix C, Emergency Operating Procedures, Section 6, Chemical or Microbiological Contamination of Water Supply, requires. JU to notify ADEQ by telephone within 24 hours after learning of the occurrence. Please see our previous response which documents this notice. Section 4.2, Notification, states that notification is required under State and Federal law. JU followed the ERP and notified the news media as the “boil alert” affected the entire system. JU was in communication with ADEQ through this event.**

Please see our November 5, 2012, letter to ADEQ which addresses all correspondence between JU and ADEQ.

3. **Appendix C, Emergency Operating Procedures, Section 4 and Section 5, address the situation when disinfection is required in compliance with this item.**
4. **Appendix C, Emergency Operating Procedures, Section 2, Loss of Supply Due to Major Component Failure, addresses this item.**
5. **Appendix B, Critical Parts Inventory, addresses this item.**
6. **Section 6, Plan Maintenance and Training, addresses the requirement for training of employees in emergency operations and scheduling a minimum of three tailgate meetings during a calendar year. The JU certified operator meets with all the water system employees every morning to discuss the day's schedule and to review safety requirements, operational concerns, and the monitoring and testing scheduled for the day.**

The employee, Francisco Mejia, who took the samples on August 16, 2012, attended training on August 9, 2012, that included the subjects "Coliform Bacteria Sampling and Analysis" and "Preservation and Sampling Techniques". This training was sponsored by Legend Technical Services and ADEQ. A copy of the certificate of completion is attached and provides a list of all the subjects presented this training session. Mr. Mejia was the JU employee that also took all the negative samples on August 13, 2012, and the follow up samples on August 19, 2012.

NOV Item

For guidance please refer to:

http://water.epa.gov/lawsregs/rulesregs/sdwa/publicnotification/upload/2007_04_26_publicnotification_guide_publicnotification_phhandbook.pdf

JU has and maintains a copy of the EPA Revised Public Notification Handbook, 2nd Revision of Document: EPA 816-R-09-013, March 2010, for reference during emergencies.

Our previous response to ADEQ dated November 5, 2012, contained the new Appendix D, Public Notification Rule, and the revised Table of Contents.

NOV Item

6. Within 45 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, or responsibility and training chart for emergency response team (may be included in emergency plan) to include:

1. Duties required for each position

Deborah L. Schadewald-Kohler
November 21, 2012
Page 5 of 5

2. Training and refresher training
3. Practice drills, communication or broadcast tests
4. Tail-gate safety meetings (scheduled and non-scheduled)

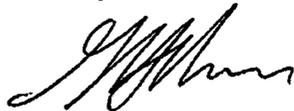
Response: This violation never occurred: Figure 5-1, JU Incident Command Structure, (included in the ERP) outlines the duties of each emergency response team member. Items 2-4 are addressed in the above response.

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: This violation never occurred. Item 7 requires JU to certify that corrective actions were taken to ensure that the emergency plan will be implemented as written and approved by ADEQ. This item is required to be submitted within 60 days from receipt of the NOV. The due date is December 11, 2012. As with the initial ERP, a copy of the revised ERP cannot be submitted to ADEQ for security reasons, as documents submitted to ADEQ are public record. It is imperative that the confidentiality of the ERP remain intact. Therefore, ADEQ will not be able to approve the revised plan unless it is reviewed at JU or at a meeting. However, I can certify that JU will continue to implement the emergency plan as we have shown in this and our previous response. Please let us know how you want us to proceed with this item.

Items 3 and 4, Section III, Documenting Compliance, will be submitted prior to their due dates. Item 7 is conditioned on receipt of ADEQ's response. If you have any questions or comments, please contact me at (480) 998-3300.

Sincerely,



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

Attachments:

1. F. Mejia, Certificate of Completion, ADEQ and Legend Training, 8/9/2012

Attachment 1

LEGEND TECHNICAL SERVICES CERTIFICATE OF COMPLETION

This certifies that

Francisco Mejia

Has earned

SIX - Professional Development Hours for attending:

Thursday, August 9th, 2012 – CITY OF AVONDALE WORKSHOP– In the Lantana Conference Room

Presented by: Donna Calderon, ADEQ

*Overview of AZ Drinking Water Rule, *Disinfection By-Products Rule, *Transitioning from Stage 1 to Stage 2,
*Public Water System Requirements.

Presented by: Robert Vertefeuille, Director of Operations and Senior Microbiologist, LEGEND Technical Services
*Emerging Pathogens *Coliform Bacteria Sampling and Analyses

Presented by: Lisa Parrish – Client Services Manager, LEGEND Technical Services
* Preservative and Sampling Techniques

Attachment 4

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. H. Brown', written in a cursive style.

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

Attachment 5

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

Attachment 6

JOHNSON UTILITIES, L.L.C.

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

December 17, 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: Final Response to 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. Section III, Documenting Compliance, contains seven action items that need to be responded to by JU. Each item has a deadline date. The dates range from 30-days to 90-days. This response address items 3 and 4 which have a 90-day deadline.

NOV Item

3. Within 90 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, or documentation to show that refresher sampling training has been provided for all current and potential sampling personnel.

Response: No violation occurred. Refresher training was provided for our personnel on August 9, 2012, which was reported in our November 21, 2012, response. The training provided was "Coliform Bacteria Sampling and Analysis" and "Preservation and Sampling Techniques". The instructors were from Legend Technical Services and Arizona Department of Environmental Quality (ADEQ). The training on August 9, 2012, was just 7 days before the August 16, 2012, sampling that resulted in 100% of the samples testing positive for total coliform. On August 13, 2012, our personnel took 20 samples which were all negative. The follow-up samples taken on August 19, 2012, were all negative accept for one positive total coliform. The 14 well samples taken in compliance with the Groundwater Rule were all negative as were the seven samples taken from our storage tanks. JU's employees were properly trained and followed the sampling protocols and policies.

In conclusion, this violation never occurred.

Deborah L. Schadewald-Kohler
December 17, 2012
Page 2 of 3

NOV Item

4. Within 90 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, or a description of the sampling protocols and policies for all sampling procedures administered by Johnson Utilities.

Response: No violation occurred. Sampling protocols and policies were in effect at the time of the incident. Attached are photo copies of the "Water and Wastewater Sample Collection and Analysis Quality Assurance Manual" dated December 2010. This document is maintained in the JU field office. The manual contains sections on "EPDS", "Monitoring Plans", "Disinfection Byproducts", "Total Coliform Rule", "Groundwater Rule", Lead and Copper", "Hach, Pocket Colorimeter TM II" (including copies of the SM 4500-Cl G and Hach Instruction Manual), and "Sample Collection Guidance". Each analyses performed also has a copy of the method used, such as SM 4500-Cl G for total chlorine.

The "Sample Collection Guidance" includes training by Legend Technical Services (Preservatives, General Sampling, Shipping Container Specifics), the Standard Method 9060, Samples, "Microbiological Analyses" (summary of methods and hold times for drinking water samples), and copies of the Legend's sampling procedures for all sampling administered by JU. Legend also provides an online sample collection guide at:

<http://www.legend-group.com/resources/sample-collection-guides>

The "Water and Wastewater Sample Collection and Analysis Quality Assurance Manual" was published in accordance with Arizona Department of Health Services' (ADHS) rule, A.R.S. § 36-495.02(A3). Recently ADHS has developed on-line guidance that can be found at:

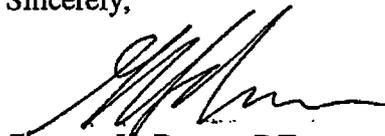
<http://www.azdhs.gov/lab/license/drinking-water.htm>

"Drinking Water Field Method Training" was provided by ADHS and ADEQ on October 17, 2012. Attached is a copy of the training certificate issued for my attendance. JU is in compliance with A.R.S. § 36-495.02(A3).

In conclusion, this violation never occurred.

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

Sincerely,



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

Deborah L. Schadewald-Kohler
December 17, 2012
Page 3 of 3

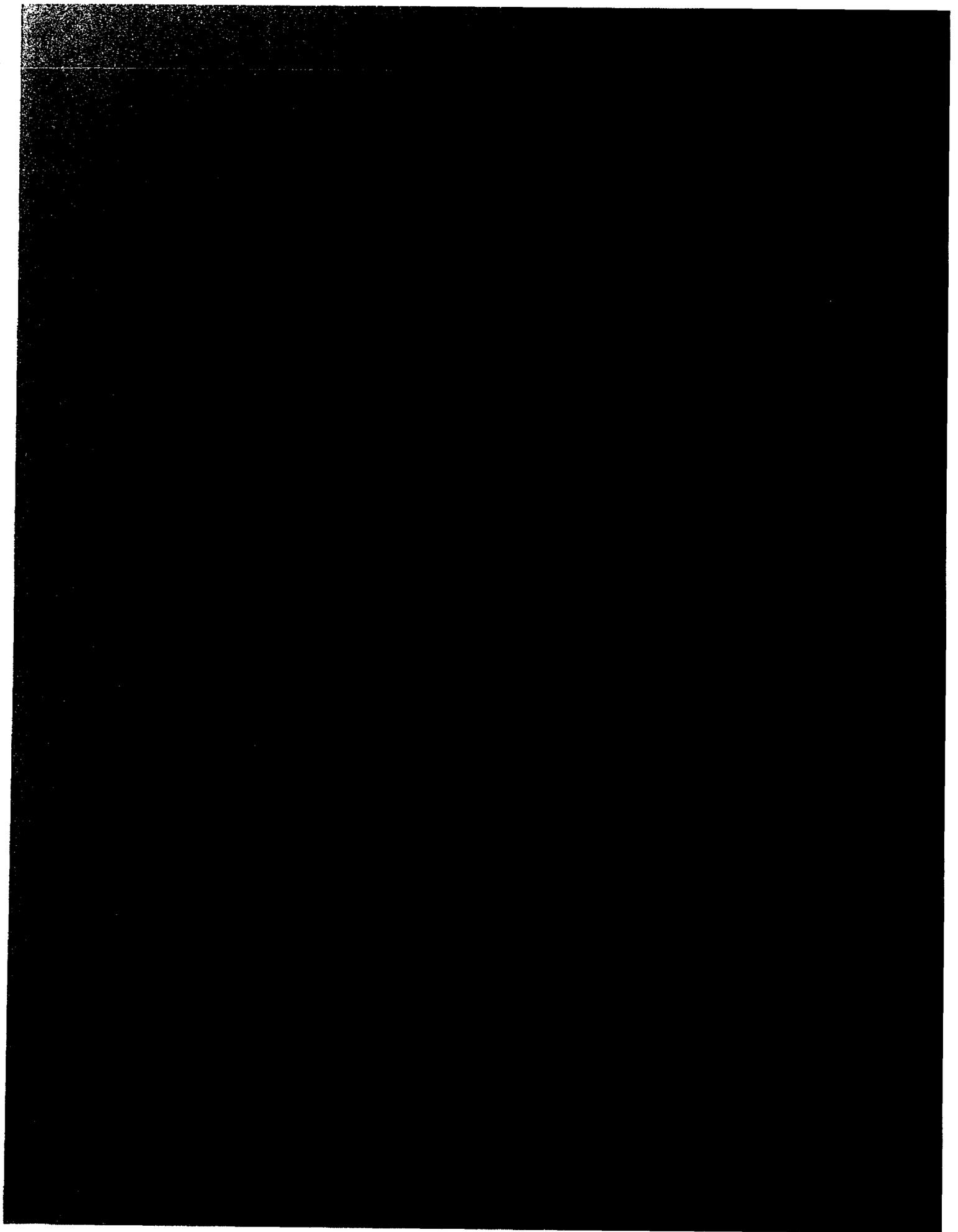
Attachments: Photos and copies of "Water and Wastewater Sample Collection and Analysis Quality Assurance Manual, December 2010, content.

- cover
- section tags
- monthly monitoring plan
- section tags
- section tags
- 4500-Cl G cover page
- Hach Pocket Colorimeter II Instruction Manual cover page
- Legend Training cover page
- Standard Method 9060 Samples
- Legend "Microbiological Analyses" for Drinking Water
- Legend Sampling Procedures
 - Total Coliform
 - Alkalinity
 - Fluoride
 - Nitrate + Nitrite
 - Nitrite
 - Sulfate
 - Total Dissolved Solids
 - Metals
 - Volatile Organic Compounds or TTHMs
 - Semi-Volatile Organic Compounds
 - Haloacetic Acids

ADHS/ADEQ Training Certificate, Greg Brown, October 17, 2012

Water and Wastewater
Sample Collection and Analysis
Quality Assurance Manual

December 2010





Apple Collection

| | | |
|----------|--------------------|---------------------------------------|
| B - A | NH ₂ Cl | NH ₂ Cl |
| C - B | NHCl ₂ | NHCl ₂ + ½NCl ₃ |
| N | — | Free Cl + ½NCl ₃ |
| 2(N - A) | — | NCl ₃ |
| C - N | — | NHCl ₂ |

Water Works Assoc. 60:847.

PALIN, A.T. 1975. Current DPD methods for residual halogen compounds and ozone in water. *J. Amer. Water Works Assoc.* 67:32.
 Methods for the Examination of Waters and Associated Materials. Chemical Disinfecting Agents in Water and Effluents, and Chlorine Demand. 1980. Her Majesty's Stationery Off., London, England.

4500-Cl G. DPD Colorimetric Method

1. General Discussion

a. Principle: This is a colorimetric version of the DPD method and is based on the same principles. Instead of titration with standard ferrous ammonium sulfate (FAS) solution as in the titrimetric method, a colorimetric procedure is used.

b. Interference: See A.3 and F.1d. Compensate for color and turbidity by using sample to zero photometer. Minimize chromate interference by using the thioacetamide blank correction.

c. Minimum detectable concentration: Approximately 10 µg Cl as Cl₂/L. This detection limit is achievable under ideal conditions; normal working detection limits typically are higher.

2. Apparatus

a. Photometric equipment: One of the following is required:
 1) *Spectrophotometer,* for use at a wavelength of 515 nm and providing a light path of 1 cm or longer.

2) *Filter photometer,* equipped with a filter having maximum transmission in the wavelength range of 490 to 530 nm and providing a light path of 1 cm or longer.

b. Glassware: Use separate glassware, including separate spectrophotometer cells, for free and combined (dichloramine) measurements, to avoid iodide contamination in free chlorine measurement.

3. Reagents

See F.2a, b, c, d, e, h, i, and j.

4. Procedure

a. Calibration of photometric equipment: Calibrate instrument with chlorine or potassium permanganate solutions.

1) Chlorine solutions—Prepare chlorine standards in the range of 0.05 to 4 mg/L from about 100 mg/L chlorine water standardized as follows: Place 2 mL acetic acid and 10 to 25 mL chlorine

Cat. No. 59570-88

Pocket Colorimeter™ II

Analysis System

Chlorine (Cl₂)

Instruction Manual



Be Right™

ELABORATE
SPECIFICATIONS

SAMPLES

9060 SAMPLES*

9060 A. Collection

1. Containers

Collect samples for microbiological examination in nonreactive borosilicate glass or plastic bottles that have been cleansed and rinsed carefully, given a final rinse with deionized or distilled water, and sterilized as directed in Sections 9030 and 9040. For some applications samples may be collected in presterilized plastic bags.

2. Dechlorination

Add a reducing agent to containers intended for the collection of water having residual chlorine or other halogen unless they contain broth for direct plating of samples. Sodium thiosulfate ($\text{Na}_2\text{S}_2\text{O}_3$) is a satisfactory dechlorinating agent that neutralizes any residual halogen and prevents continuation of bactericidal action during sample transit. The examination results will indicate more accurately the true microbial content of the water at the time of sampling.

For sampling chlorinated wastewater effluents add sufficient $\text{Na}_2\text{S}_2\text{O}_3$ to a clean sterile sample bottle to give a concentration of 100 mg/L in the sample. In a 120-ml bottle 0.1 ml of a 10% solution of $\text{Na}_2\text{S}_2\text{O}_3$ will neutralize a sample containing about 15 mg/L residual chlorine. For drinking water samples the concentration of dechlorinating agent may be reduced: 0.1 ml of a 3% solution of $\text{Na}_2\text{S}_2\text{O}_3$ in a 120-ml bottle will neutralize up to 3 mg/L residual chlorine.

Cap bottle and sterilize by either dry or moist heat as directed (Section 9040). Presterilized plastic bags or bottles containing $\text{Na}_2\text{S}_2\text{O}_3$ are available commercially.

Collect water samples high in metals, including copper or zinc (> 1.0 mg/L), and wastewater samples high in heavy metals in sample bottles containing a chelating agent that will reduce metal toxicity. This is particularly significant when such samples are in transit for 4 h or more. Use 3/2 mg/L of the disodium salt of ethylenediaminetetraacetic acid (EDTA). Adjust EDTA solution to pH 6.5 before use. Add EDTA separately to sample bottle before bottle sterilization (0.3 ml 15% solution in a 120-ml bottle) or combine it with the $\text{Na}_2\text{S}_2\text{O}_3$ solution before addition.

3. Sampling Procedures

When the sample is collected, leave ample air space in the bottle (at least 2.5 cm) to facilitate mixing by shaking before examination. Collect samples that are representative of the water being tested; flush or disinfect sample ports and use aseptic techniques to avoid sample contamination.

Keep sampling bottle closed until it is to be filled. Remove stopper and cap as a unit; do not contaminate inner surface of stopper or cap and neck of bottle. Fill container without rinsing, replace stopper or cap immediately, and if used, secure hood around neck of bottle.

Potable water: If the water sample is to be taken from a distribution system tap without attachments, select a tap that is supplying water from a service pipe directly connected with the main and is not, for example, served from a cistern or storage tank. Open tap fully and let water run to waste for 2 or 3 min, or for a time sufficient to permit clearing the service line. Reduce water flow to permit filling bottle without splashing. If tap cleanliness is questionable, choose another tap. If a questionable tap is required for special sampling purposes, disinfect the faucet (inside and outside) by applying a solution of sodium hypochlorite (100 mg NaOCl/L) to faucet before sampling; let water run for an additional 2 to 3 min after treatment. Do not sample from leaking taps that allow water to flow over the outside of the tap. In sampling from a mixing faucet remove faucet attachments such as screen or splash guard, run hot water for 2 min, then cold water for 2 to 3 min, and collect sample as indicated above.

If the sample is to be taken from a well lined with a hand pump, pump water to waste for about 5 to 10 min or until water temperature has stabilized before collecting sample. If an outdoor sampling location must be used, avoid collecting samples from frost-proof hydrants. If there is no pumping machinery, collect a sample directly from the well by means of a sterilized bottle fitted with a weight at the base; take care to avoid contaminating samples by any surface scum. Other sterile sampling devices, such as a trip bailer, also may be used.

In drinking water evaluation, collect samples of finished water from distribution sites selected to assure systematic coverage during each month. Carefully choose distribution system sample locations to include dead-end sections to demonstrate bacteriological quality throughout the network and to ensure that localized contamination does not occur through cross-connections, breaks in the distribution lines, or reduction in positive pressure. Sample locations may be public sites (police and fire stations, government office buildings, schools, bus and train stations, airports, community parks), commercial establishments (restaurants, gas stations, office buildings, industrial plants), private residences (single residences, apartment buildings, and townhouse complexes), and special sampling stations built into the distribution network. Preferably avoid outdoor taps, fire hydrants, water treatment units, and backflow prevention devices. Establish sampling program in consultation with state and local health authorities.

Raw water supply: In collecting samples directly from a river, stream, lake, reservoir, spring, or shallow well, obtain samples representative of the water that is the source of supply to consumers. It is undesirable to take samples too near the bank or too far from the point of drawoff, or at a depth above or below the point of drawoff.

* Approved by Standard Methods Committee, 1977.
 Don T. Gray, 20th Edition, 1977; W. K. Rice, Charles H. Binney, Terry G. Colwell, Charles H. Geesey, Jr., Paul S. Hays, Robert L. Hunt, A. Kaplan, Gordon L. Milliken, Nelson P. Meyer.

Microbiological Analyses



Drinking Water

| Description | Method | Incubation | Hold Time | Container |
|-----------------------------------|---------------------|------------|-----------|---|
| Algae Count | Microscopy | 3-5 Day | ASAP | 100 ml sterile, Na ₂ S ₂ O ₃ |
| Algae Count and Identification | Microscopy | 3-5 Day | ASAP | 100 ml sterile, Na ₂ S ₂ O ₃ |
| Anaerobic Plate Count | Mod. SM 9215B | 3-5 Day | 24 Hour | Sterile Container |
| <i>Ascaris lumbricoides</i> | SM 10550 | 3 Day | 24 Hour | 1-2 Liter Bottle |
| <i>Bacillus anthracis</i> | CDC-PRES 1D | 2-3 Day | ASAP | Sterile Bottle or Swab Kit |
| Bacteria Count & Stain | Microscopy | 7-10 Day | N/A | Agar Plate or Swab Kit |
| <i>Clostridium perfringens</i> MF | Bitson et al., 1979 | 7-10 Day | ASAP | 100 ml sterile, Na ₂ S ₂ O ₃ |
| Coliform, Total (Collet) | SM 9223B | 2-3 Day | 30 Hour | 100 ml sterile, Na ₂ S ₂ O ₃ |
| Coliform, Total (MF) | SM 9222B | 4-5 Day | 30 Hour | 100 ml sterile, Na ₂ S ₂ O ₃ |
| Coliform, Total (MPN) | SM 9221B | 4-5 Day | 30 Hour | 100 ml sterile, Na ₂ S ₂ O ₃ |
| Common Large Tapeworm | SM 10550 | 3 Day | 24 Hour | 1-2 Liter Bottle |
| Cryptosporidium | SM 9711B | 5-10 Day | 48 Hour | Filter |
| <i>E. coli</i> (MPN) | SM 9221F | 4-5 Day | 6 Hour | 100 ml sterile, Na ₂ S ₂ O ₃ |
| <i>E. coli</i> (MPN, Quant-Tray) | SM 9223B | 2-3 Day | 30 Hour | 100 ml sterile, Na ₂ S ₂ O ₃ |
| <i>Entamoeba histolytica</i> | SM 9711C | 5-7 Day | 48 Hour | Filter or 2 Liter Sterile Bottle |
| Enteric Virus - Water | SM 9510 | 45-60 Day | 48 Hour | Filter |
| <i>Enterococcus</i> species | ASTM D 6503 | 5 to 7 Day | 6 Hour | 100 ml sterile, Na ₂ S ₂ O ₃ |
| Fecal Coliform (MF) | SM 9222D | 24 Hour | 6 Hour | 100 ml sterile, Na ₂ S ₂ O ₃ |
| Fecal Coliform (MPN) | SM 9221E | 4-5 Day | 6 Hour | 100 ml sterile, Na ₂ S ₂ O ₃ |
| Fecal Streptococcus | SM 9230B | 4-5 Day | 6 Hour | 100 ml sterile, Na ₂ S ₂ O ₃ |
| <i>Giardia lamblia</i> | SM 9711B | 5-10 Day | 48 Hour | Filter |
| Heterotrophic Plate Count | SM 9215B | 3-5 Day | 8 Hour | 100 ml sterile, Na ₂ S ₂ O ₃ |
| Heterotrophic Plate Count (1) | SM 9215D | 3-5 Day | 8 Hour | 100 ml sterile, Na ₂ S ₂ O ₃ |

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Sample Collection Information – Drinking Water

Analyte: Total Coliform and *E. coli*

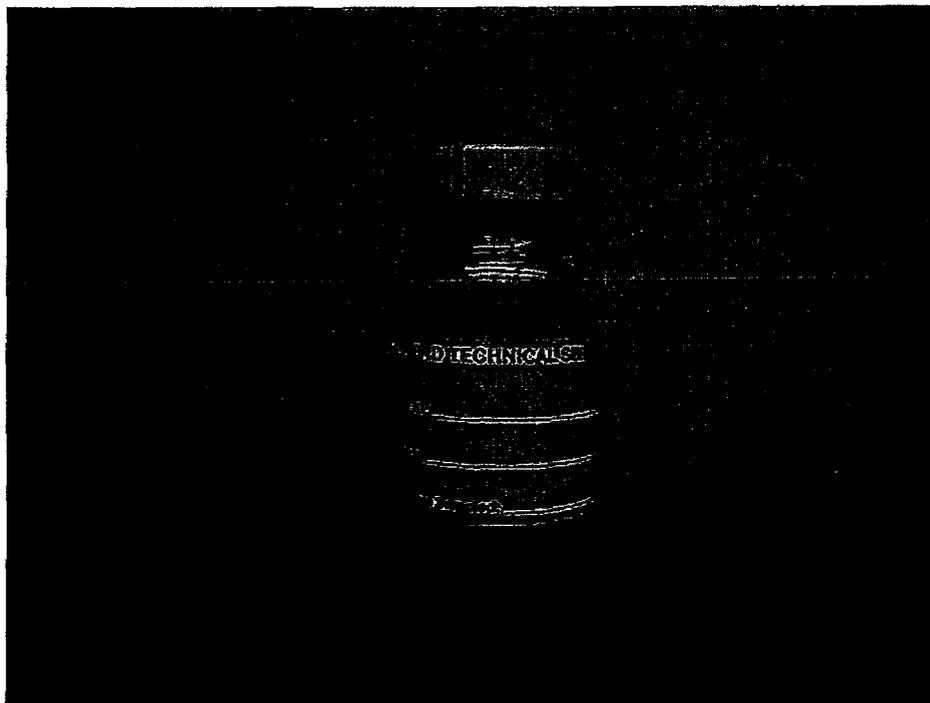
EPA/Standard Method: SM 9223B

Container/Preservative: 120 mL, sterile; Sodium Thiosulfate

Holding Time: 30 hours

Instructions: Remove aerator/screen from faucet before collecting sample. Disinfect exterior of faucet and flush tap for 5 minutes. Remove seal from sample bottle. Fill sample bottle just past the fill line, leaving one inch of head space. Do not rinse preservative or touch inside of container.

Photo:





Sample Collection Information – Drinking Water

Analyte: Alkalinity

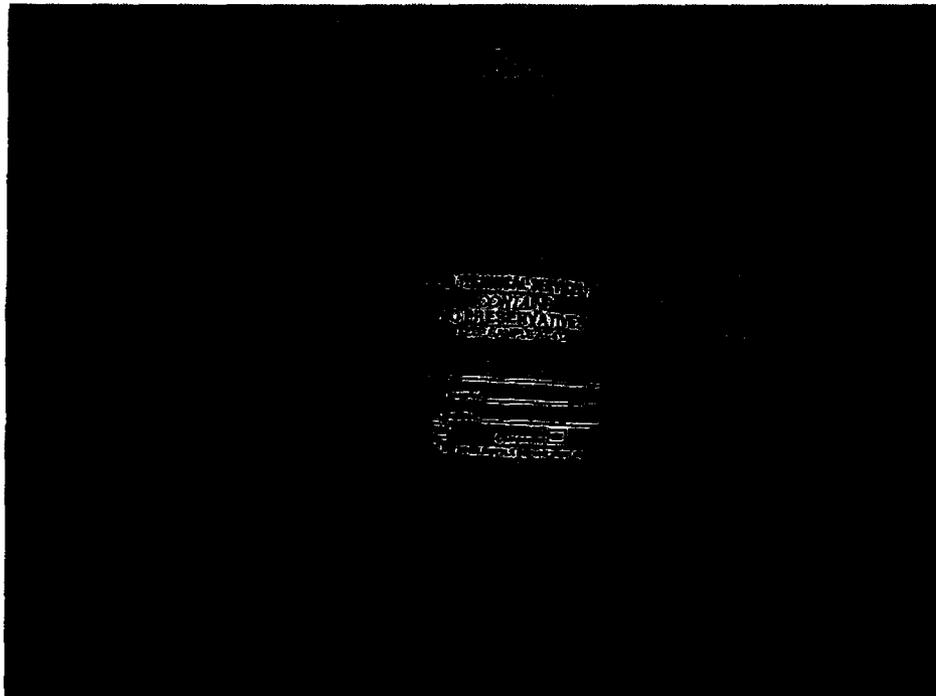
EPA/Standard Method: SM 2320B

Container/Preservative: 250/500/1000 mL, plastic; None

Holding Time: 14 days

Instructions: Fill container to neck. Transport samples on ice.

Photo:





Sample Collection Information – Drinking Water

Analyte: Fluoride

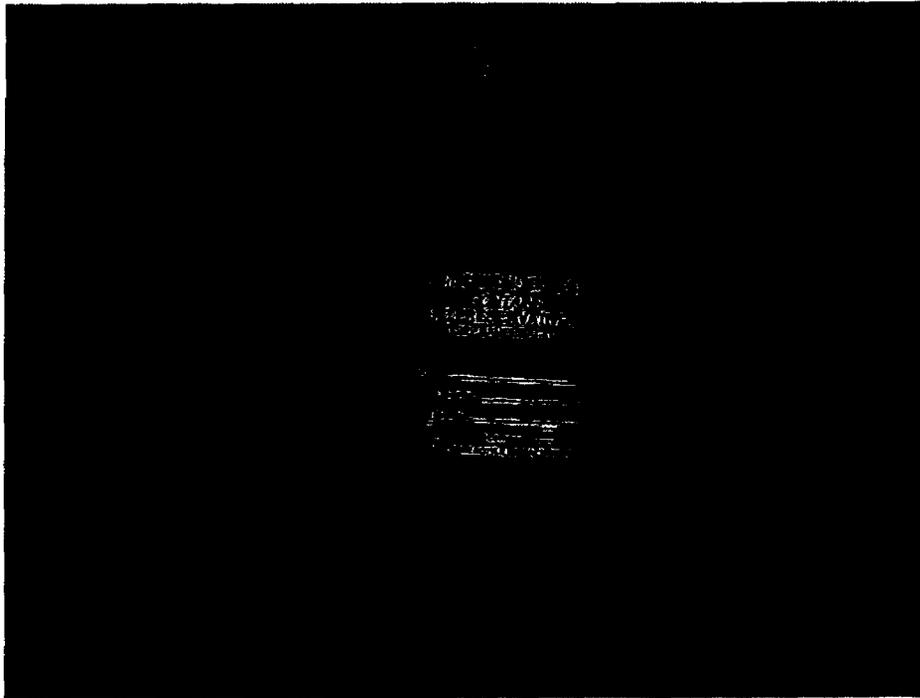
EPA/Standard Method: SM 4500 F C or EPA 300.0

Container/Preservative: 250/500/1000 mL plastic; None

Holding Time: 28 days

Instructions: Fill container to neck. Transport samples on ice.

Photo:





Sample Collection Information – Drinking Water

Analyte: Nitrate + Nitrite

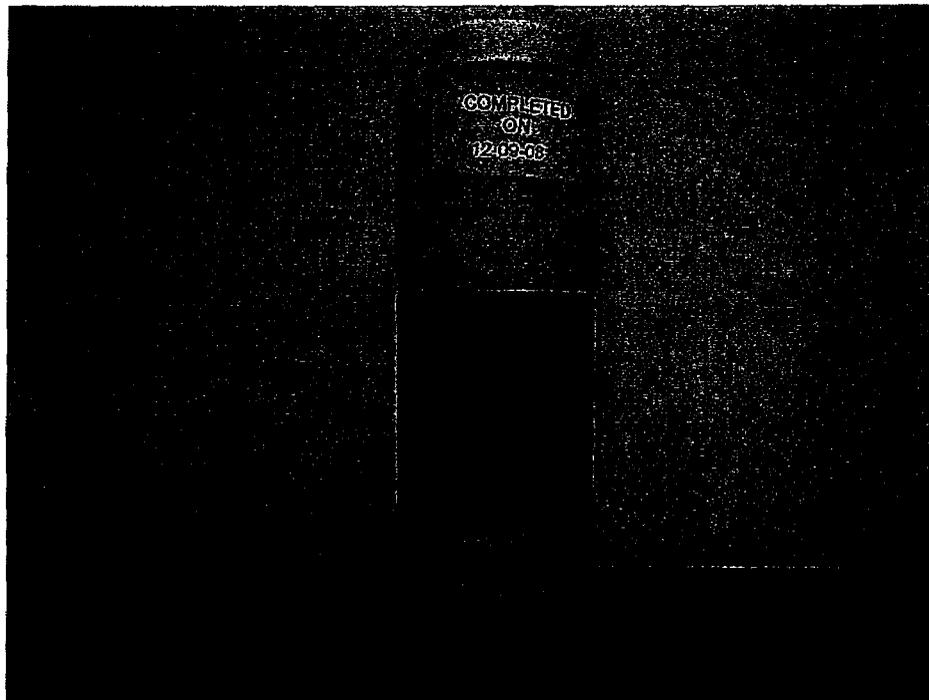
EPA/Standard Method: SM 4500 NO3 F

Container/Preservative: 250/500/1000 mL plastic; Sulfuric Acid

Holding Time: 28 days

Instructions: Fill container to neck. Do not rinse out preservative. Transport samples on ice.

Photo:





Sample Collection Information – Drinking Water

Analyte: Nitrite

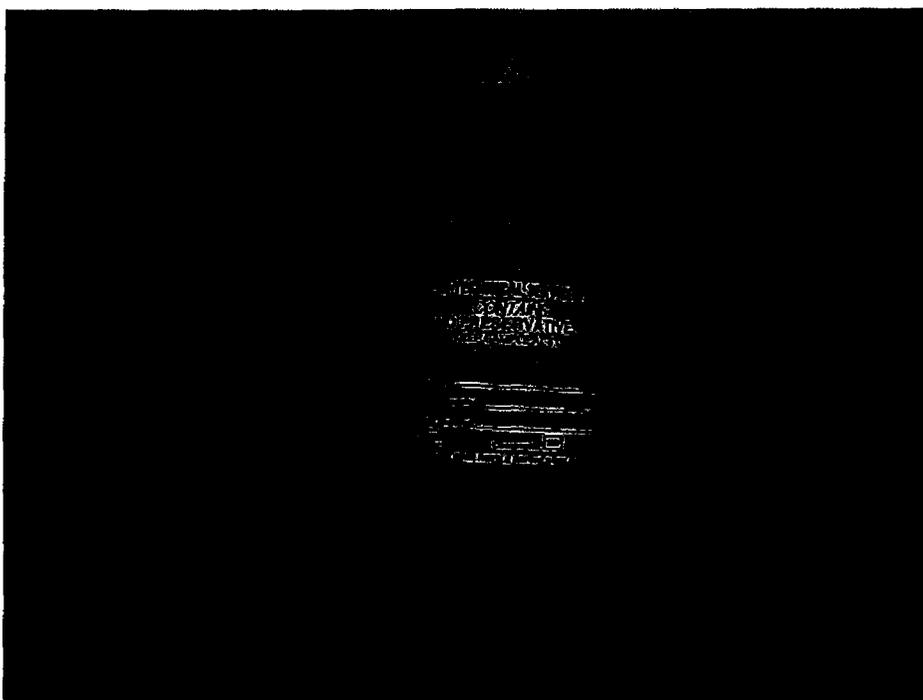
EPA/Standard Method: SM 4500 NO2 B

Container/Preservative: 250/500/1000 mL plastic; None

Holding Time: 48 hours

Instructions: Fill container to neck. Transport samples on ice.

Photo:





Sample Collection Information – Drinking Water

Analyte: Sulfate

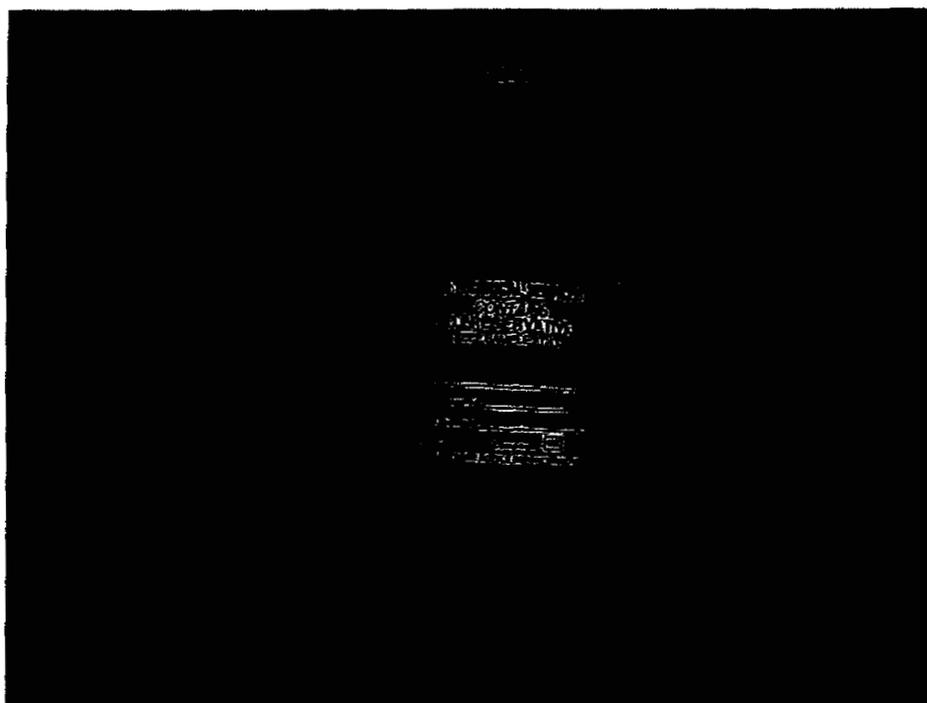
EPA/Standard Method: EPA 300.0

Container/Preservative: 250/500/1000 mL plastic; None

Holding Time: 28 days

- **Instructions:** Fill container to neck. Transport samples on ice.

Photo:





Sample Collection Information – Drinking Water

Analyte: Total Dissolved Solids (TDS)

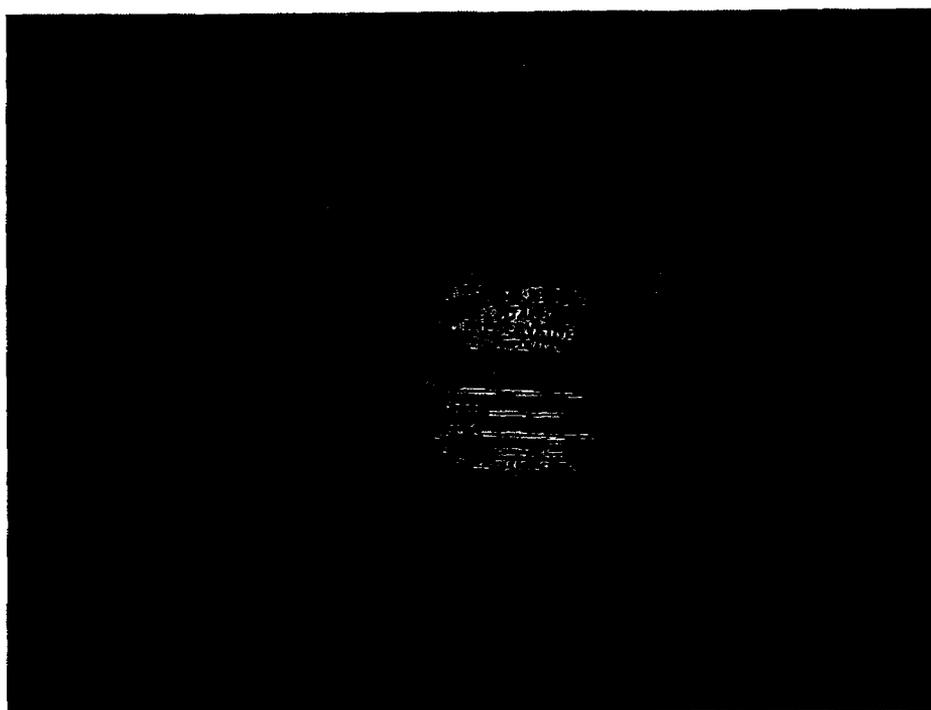
EPA/Standard Method: SM 2540 C

Container: 250/500/1000 mL plastic

Preservative: None

Instructions: Fill container to neck.

Photo:





Sample Collection Information – Drinking Water

Analyte: Metals

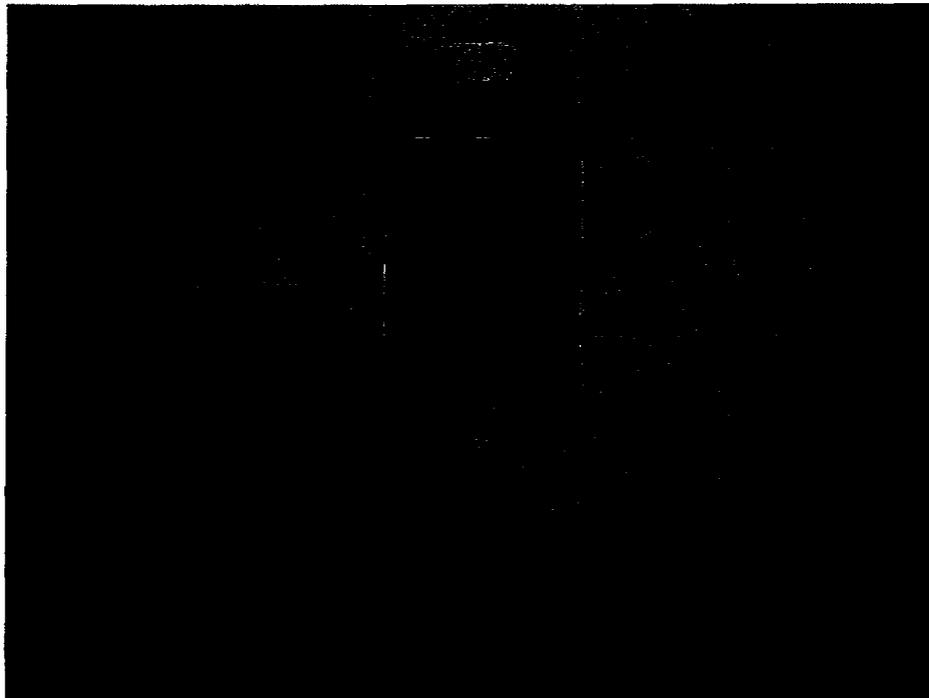
EPA/Standard Method: EPA 200.7/200.8/245.1

Container/Preservative: 500 mL, plastic; Nitric Acid

Holding Time: 6 months; 28 days for Mercury

Instructions: Fill container to neck. Do not rinse out preservative.

Photo:





Sample Collection Information – Drinking Water

Analyte: Volatile Organic Compounds or Total Trihalomethanes (THMs)

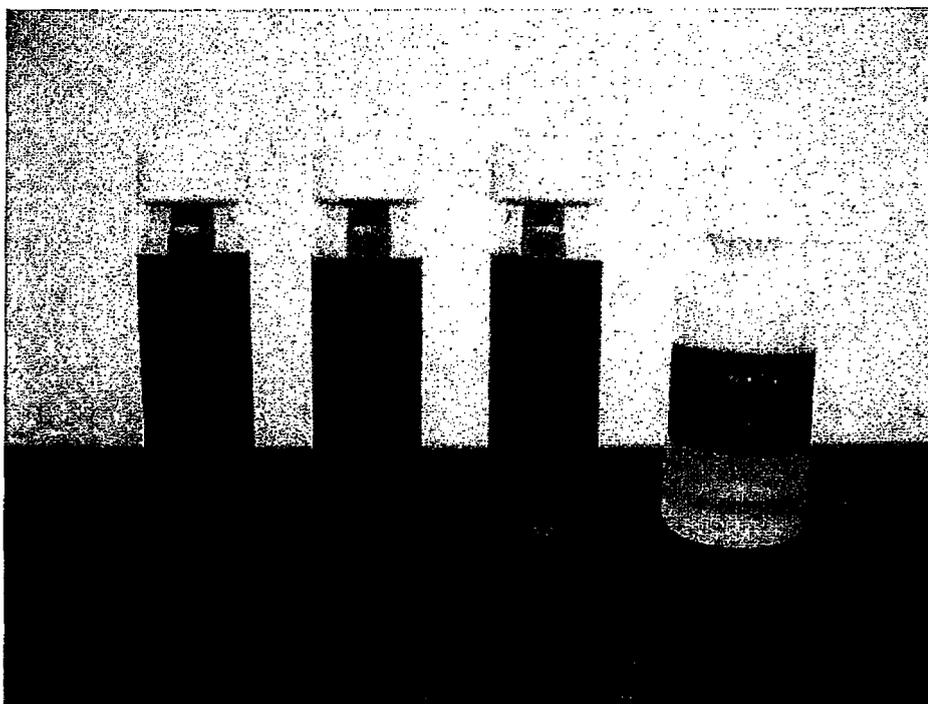
EPA/Standard Method: EPA 524.2

Container/Preservative: 3-40 mL Vials plus 2 Travel Blanks; Ascorbic Acid;
Hydrochloric Acid – Field Preservation

Holding Time: 14 days

Instructions: Fill vials until meniscus forms at mouth of the vial, but do not overflow. Add five (5) drops of Hydrochloric Acid to the vial. Screw on the lid. Some water may overflow as you screw on the lid. If you turn the vial upside down, there should be no air bubbles/headspace. If there are air bubbles, unscrew the cap and continue adding drops of water until there are no more bubbles. Do not rinse out preservative. Transport samples on ice.

Photo:





Sample Collection Information – Drinking Water

Analyte: Semi-Volatile Organic Compounds

EPA/Standard Method: EPA 525.2

Container/Preservative: 2-1 liter glass bottles; Sodium Sulfite and HCl (chlorinated source only); HCl (non-chlorinated)

Holding Time: 14 days; 30 days for analysis following extraction

Instructions: Fill containers to neck. For chlorinated samples, add the entire contents of the small glass vial labeled HCl (or 30 drops HCl if you have a vial). Fill bottle to top with sample so that no air remains when capped. If the source is not chlorinated, it is not necessary to add the HCl. Do not rinse out preservative. Transport samples on ice.

Photo:





Sample Collection Information – Drinking Water

Analyte: Haloacetic Acids (HAA5)

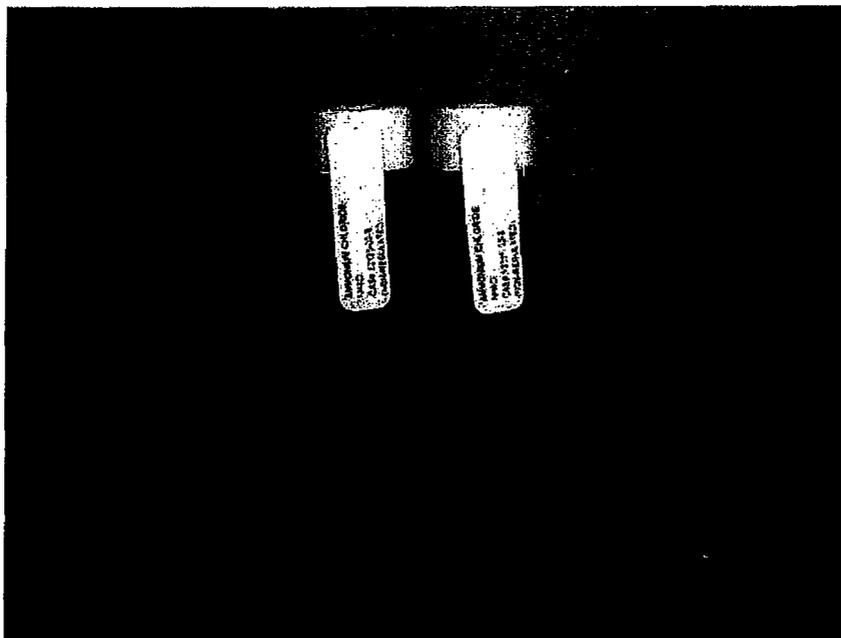
EPA/Standard Method: EPA 552.2

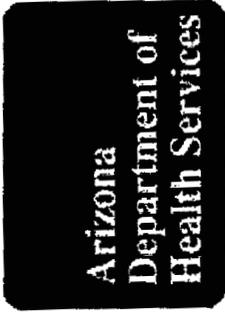
Container/Preservative: 2-40 mL Ammonium Chloride

Holding Time: 14 days; 14 days for analysis following extraction.

Instructions: Fill vials until meniscus forms at mouth of the vial, but do not overflow. Screw on the lid. Some water may overflow as you screw on the lid. If you turn the vial upside down, there should be no air bubbles/headspace. If there are air bubbles, unscrew the cap and continue adding drops of water until there are no more bubbles. Do not rinse out preservative. Transport samples on ice.

Photo:





**ARIZONA WATER ASSOCIATION
 RURAL WATER ASSOCIATION OF ARIZONA
 ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
 and
 ARIZONA DEPARTMENT OF HEALTH SERVICES
 (Bureau of Laboratory Services)**

AWARDS

3.0 PDHs

To

Greg Brown

for attending the

DRINKING WATER FIELD METHOD TRAINING

October 17, 2012 – Phoenix

**Steve Baker
 Chief, Office of Laboratory Licensure and Certification
 Arizona Department of Health Services**

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 17, 2012
Job No.: _____
Drawing/Spec Reference: _____

Re: NOV Case #133837

We Transmit: Herewith Under Separate Cover Via _____

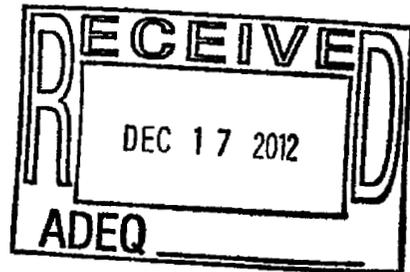
Material Format

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 |
| <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 type="checkbox"/> 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:

Final response to NOV Case #133837. Items 3 and 4



Copies To: _____

Signed: 
Greg Brown
12/17/12

Received By: _____

Date: _____

Attachment 7

JOHNSON UTILITIES, L.L.C.

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

February 4, 2013

Daniel L. Czecholinski, Manager
Water Quality Utility Field Service Unit
MC: 5415B-1
1110 W Washington St.
Phoenix, AZ 85007

Re: Notice of Violation, Case ID #: 133837

Dear Mr. Czecholinski

Johnson Utilities, L.L.C. (JU) is responding to the Arizona Department of Environmental Quality's (ADEQ) letter from you which is dated January 2, 2013 but received by JU on January 8, 2013. The letter provides an update on the alleged seven State and Federal violations. Our response to the seven comments is provided below.

1. Within 30 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, documentation to demonstrate the corrective actions that have been taken to ensure that future public notices are issued in a form and manner that is reasonably calculated to reach all persons served within the required time period.

Date Due: November 8, 2012.

ADEQ received Johnson Utilities response letter on November 6, 2012 and ADEQ determined that the response is not sufficient. Johnson Utilities did not provide documentation that corrective actions have been taken nor was information provided to demonstrate that the violation did not occur.

The documentation Johnson Utilities provided in this response is the same information that ADEQ had in its possession and reviewed prior to issuance of the NOV. Attachment 4 did not provide additional information than what was provided prior to issuance of the NOV. The email sent from David Weissman at 11:41 am on August 22, 2012 to the media provided the media with "Johnson Utilities response to water contamination concerns" and that "the company would not be granting interviews". A press release was included in the body of the email; however there was no reference to a Public Notice nor was a Public Notice attached to the email.

Response: JU did not fail to comply with 40 CFR § 141.202 (b) (3). JU did notify the media as described in our Emergency Response Plan (ERP) and per direction given by ADEQ. On August 22, 2012, JU issued a public notice to five television

stations, 2 radio stations, and 2 newspapers for the Tier 1 acute MCL violation. The notice was issued under JU's direction by David Weissman, Director of Public Relations, R&R Partners. Per Mr. Weissman's January 31, 2013, email, the Drinking Water Warning was attached to the emails sent to the news media. A copy of Mr. Weissman's email is attached. It should be noted, that all the news media stations issued public announcements immediately after they received the Drinking Water Warning.

2. Within 30 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, documentation to demonstrate the corrective actions that have been taken to ensure that certification of Public Notice method of delivery and confirmation of delivery are submitted to ADEQ within 10 calendar days from the date from the initial Public Notice and any repeat notice.

Date Due: November 8, 2012.

Johnson Utilities provided ADEQ a written response on November 6, 2012 which has met the requirements for this compliance condition. Johnson Utilities provided documentation that they have updated their emergency response plan to include certification of Public Notice and confirmation of delivery are submitted to ADEQ within 10 calendar day.

Response: JU has satisfied this ADEQ comment.

3. Within 90 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, or documentation to show that refresher sampling training has been provided for all current and potential sampling personnel.

Date Due: January 7, 2013.

ADEQ received Johnson Utilities response letter on November 21, 2012 and ADEQ determined that the response is not sufficient. Johnson Utilities included a copy of a Certificate of Completion for six Professional Development Hours for Francisco Mejia, dated August 9, 2012. Johnson Utilities did not provide documentation that corrective actions have been taken after the Total Coliform exceedance (August 16, 2012) nor was information provided to demonstrate that the exceedance violation did not occur.

Response: There is no violation. As stated on our November 21, 2012, response, the employee taking the samples received training by ADEQ and our State licensed laboratory on August 9, 2012, specifically on the "Coliform Bacteria Sampling and Analysis" and "Preservation and Sampling Techniques". On Sunday, August 19, 2012, Francisco Mejia (JU employee) and Rod Spencer (JU Supervisor) meet with Kenny Watkins (General Manager) and me for a tail gate safety meeting prior to taking the 75 re-samples. The sampling protocols and procedures for the Total Coliform Rule were reviewed. The protocols and procedures are included in the JU "Water and Wastewater Sample Collection and Analysis Quality Assurance Manual" dated December 2010.

Following the September TCR sampling, JU hired a State licensed laboratory to sample and test in accordance with the Total Coliform Rule. In October 2012 Mr. Mejia injured his wrist and has been on light duty since that time. He is not allowed to use his injured wrist, which prevents him from taking samples. At this time, no JU employee has the potential of sampling. Refresher training will be provided when JU resumes the sampling.

4. Within 90 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, or a description of the sampling protocols and policies for all sampling procedures administer by Johnson Utilities.

Date Due: January 7, 2013.

ADEQ is awaiting a response within the required timeframes.

Response: You state that "ADEQ is awaiting a response within the required timeframes". A response on sampling protocols and policies was provided in our December 17, 2012, correspondence. In order to prevent a recurrence of this type of incident where TCR samples can be contaminated from air born particulars, TCR sampling will not be performed on days ADEQ issues air quality alerts. Sampling will also be moved indoors whenever possible.

5. Within 45 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, or revisions to the emergency plan with particular attention to describing the procedures and actions the water system provides for the users.

The emergency operations plan shall detail the steps that the community water system will take to assure continuation of service in the following emergency situations:

1. Loss of a source;

2. Loss of water supply due to major component failure;
3. Damage to power supply equipment or loss of power;
4. Contamination of water in the distribution system from backflow;
5. Collapse of a reservoir, reservoir roof, or pumphouse structure;
6. A break in a transmission or distribution line; and
7. Chemical or microbiological contamination of the water supply.

The emergency operations plan required by subsection (A) shall address all of the following:

1. Provision of alternate sources of water during the emergency;
2. Notice procedures for regulatory agencies, news media, and users;
3. Disinfection and testing of the distribution system once service is restored;
4. Identification of critical system components that shall remain in service or be returned to service quickly;
5. Critical spare parts inventory; and
6. Staff training in emergency response procedures.

For guidance please refer to:

http://water.epa.gov/lawsregs/rulesregs/sdwa/publicnotification/upload/2007_04_26_publicnotification_guide_publicnotification_phandbook.pdf

Due Date: November 23, 2012.

Johnson Utilities provided ADEQ a written response on November 21, 2013, which has not met the requirements of this compliance condition. Johnson Utilities did not provide documentation that they have updated their emergency response plan.

Response: Attached are copies of the ERP's cover, Table of Contents, and revision date page that documents the revision of the ERP. The ERP was revised in September 2012 immediately following ADEQ's August inspection. After a more detailed review of the ERP, it was again revised in December 2012. The December ERP was reviewed by the current staff with respect to their responsibilities and to the detailed steps that JU will take to assure continuation of service in response to specific emergency situations. A copy of the December 13, 2012, training sign in sheet is attached.

6. Within 45 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, or responsibility and training chart for emergency response team (may be included in emergency plan) to include:
 1. Duties required for each position
 2. Training and refresher training
 3. Practice drills, communication or broadcast tests
 4. Tail-gate safety meetings (scheduled and non-scheduled)

Date Due: November 23, 2012.

Daniel L. Czecholinski
January 4, 2013
Page 5 of 5

Johnson Utilities provided ADEQ a written response on November 21, 2013, which has not met the requirements of this compliance condition. Johnson Utilities did not provide documentation that they have updated their responsibility and training chart for their emergency response team.

Response: JU did update the ERP and provided training for the responsible employees. Please see our response to item 5.

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.

Due Date: December 8, 2012.

Johnson Utilities provided ADEQ a written response on November 21, 2012 which has not met the requirements for this compliance condition. Johnson Utilities did not provide documentation that they have updated their emergency response plan but a response received on December 10, 2012 contained certification that the emergency plan will be implemented as written and approved by ADEQ.

Response: Please see response to item 5.

If this response is not sufficient, JU requests a meeting with ADEQ to obtain additional information on your January 2, 2013, letter. If you have any questions or comments, please contact me at (480) 998-3300.

Sincerely,



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

Attachments:

1. Email from R&R Partners to Greg Brown, January 31, 2013.
2. Revise Cover, Table of Contents, Update Page, JU Emergency Response Plan, Revision 007, December 2012.
3. JU ERP Training sign in sheet, December 13, 2012.

Greg Brown

From: David Weissman <david.weissman@rrpartners.com>
Sent: Thursday, January 31, 2013 6:04 PM
To: Greg Brown
Subject: FW: Johnson Utilities Responds to Water Contamination Concerns in Lower East Valley
Attachments: DRINKING WATER WARNING.DOC; Johnson Utilities Release final final final 8-22.docx

Hi Greg, on August 22, 2012 I issued a news release on behalf of Johnson Utilities entitled "Johnson Utilities responds to water contamination concerns." I attached the actual news release to my e-mail to the media on Johnson Utilities letterhead and I attached the Drinking Water Warning document. The attachments went along with my email to all media listed below. The email below and attachments hereto are the same as what I sent on August 22 to the media. I am happy to confirm this in any manner required by ADEQ. Thank you, David

From: David Weissman
Sent: Wednesday, August 22, 2012 11:41 AM
To: assignmentdesk@abc15.com; news923@ktar.com; KFYI News; kpnx-assignment-desk@12news.com; 3tvnews@azfamily.com; cbs5news@kpho.com; fox10.desk@foxtv.com; ilowery@bizjournals.com; mel.melendez@arizonarepublic.com; flonews190@yahoo.com; elvia.diaz@arizonarepublic.com; News@TodayPublications.com
Subject: Johnson Utilities Responds to Water Contamination Concerns in Lower East Valley

Hi, attached please find Johnson Utilities response to water contamination concerns that have been reported in the media. The company will not be granting interviews today and will have more to say tomorrow once new test results are available. Thanks, David

Johnson Utilities responds to water contamination concerns

FLORENCE--On August 21, 2012, Johnson Utilities initiated the release of a drinking water warning to its customers in the lower east valley. Johnson Utilities apologizes for the inconvenience this warning may have caused to our valuable customers. The warning resulted from a broad-spectrum test that suggested the potential presence of E. coli bacteria; although E. Coli was not detected in retesting in any of the 89 samples, one sample was positive for total coliform.

We first became aware of a potential problem on August 18 when our routine sampling revealed some positive results for E. coli that we believed to be false since they contradicted the results of our previous regular sampling.

We conducted a re-test on August 19. On August 20, results from the lab indicated that of the 75 samples taken, none showed any presence of e-coli. One resample was however positive for total coliform. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present.

The tests also showed presence of residual chlorine, which is present in the water as a disinfectant in an amount sufficient to kill any harmful bacteria.

Further, 14 samples taken at our drinking water wells were negative for both total coliform and E. coli. After consulting with the Arizona Department of Environmental Quality, Johnson Utilities issued a drinking water

warning in compliance with the drinking water rules. For those who may not have yet received a copy of the warning, a copy is attached to this news release. The drinking water rules require a drinking water system to issue the warning if any resamples are positive for total coliform.

Johnson Utilities will be maintaining the warning in effect until we have confirmed that further resamples are all negative. Three resamples have been submitted to our State approved laboratory and the results will be available early on August 23, 2012. Out of an abundance of caution, we recommend that our customers comply with our warning which recommends that boiled or bottle water be used for drinking, making ice, brushing teeth, washing dishes and food preparation until further notice.

“The safety of our customers is our first concern. Our families live in our service area and consume the same water as our other valued customers. We will take whatever measures are necessary to assure Johnson Utilities’ water is safe and that we have complied with federal and state law,” said Greg Brown, vice president of operations for Johnson Utilities.

Some of our customers are wondering how this can happen. Water systems do get contaminated from time to time; however, in this case, we believe there never was any contamination. Rather the false positives that were detected likely resulted from sampling errors or cross-contamination by the laboratory.

Over the past two weeks, the water system has not experienced any changes in pressure or increase in flows. There were no leaks found. These would be indicators of contamination getting into the system. We are constantly reviewing our procedures to assure clean and safe water for our customers. Once we receive testing results tomorrow, Johnson Utilities will issue a new statement.

###



David Weissman | Director of Public Relations
101 N. First Avenue, Suite 2900, Phoenix, AZ 85003
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R&R Social: [Blog](#) | [Twitter](#) | [Facebook](#)

About R&R Partners

R&R Partners creates communications that spring from our ability to see and understand the total competitive landscape in which our clients do business. This 360 perspective inspires a unique brand of creative audacity which addresses all audiences, ignites conversations, and incites action through iconic work. A prime example is the “What happens here, stays here” campaign for Las Vegas, which earned us a front-page profile in *The New York Times*. According to Ad Age, R&R Partners is among the top 30 “Best Places to Work in Marketing & Media” and our strategic thinking has been covered by *The Wall Street Journal*, *USA Today*, *Forbes*, Dateline NBC and ABC Nightline. Learn more by visiting www.rrpartners.com, stopping by our Las Vegas headquarters, or checking out our offices in Austin, Denver, Los Angeles, Phoenix, Reno, Salt Lake City and Washington, D.C.



JOHNSON UTILITIES, L.L.C.

**EMERGENCY RESPONSE PLAN
FOR
WATER SYSTEMS
WS 11-128 and 11-136**

December, 2012
Revision 007

Prepared by
KUV CONSULTANTS, LLC.
P.O. 10790
Glendale, Arizona 85318-0790

Revised by
Specific Engineering, L.L.C.
5310 E. Shea Blvd, Suite 2
Scottsdale, AZ 85254

Emergency Response Plan

RECORD OF CHANGES

| Change Number | Date Of Change | Change Made By (Signature) |
|---------------|----------------|---|
| 001 | 9/2006 | G H Brown |
| 002 | 8/2007 | G H Brown |
| 003 | 9/2008 | G H Brown |
| 004 | 9/2009 | G H Brown |
| 005 | 9/2010 | G H Brown |
| 006 | 9/2012 | G H Brown |
| 007 | 12/2012 |  |
| | | |
| | | |

**JOHNSON UTILITIES
EMERGENCY RESPONSE PLAN**

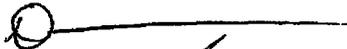
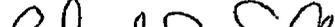
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JU Emergency Response Plan
 December 13, 2012
 Presented by Greg Brown

| Print Name | Signature | Date |
|------------------|--|----------|
| RICHARD COLNALLY |  | 12-13-12 |
| Greg Brown |  | 12-13-12 |
| Kenny Watkins |  | 12-13-12 |
| Stephanie Poulin |  | 12/13/12 |
| ROD SPENCER |  | 12/13/12 |
| Thomas Pemberton |  | 12/13/12 |
| CHAD SMALL |  | 12/13/12 |
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Johnson Utilities L.L.C.
5230 E. Shea Blvd., Suite 200
Scottsdale, AZ 85254
PH: (480) 998-3300; FAX: (480) 483-7908

Transmittal

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

Date: January 4, 2013

Job No.: _____

Drawing/Spec Reference: _____

Re: NOV Case #133837

We Transmit: Herewith Under Separate Cover Via _____

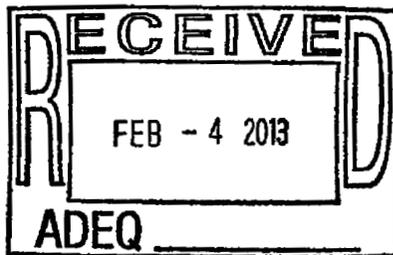
Material Format

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 checked="" type="checkbox"/> For Your Signature | <input type="checkbox"/> Please Comment |
| <input type="checkbox"/> 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 your January 2, 2013, letter on NOV Case #133837.



Copies To: _____

Signed: _____

Greg Brown
Greg Brown

Received By: _____

Date: 2/4/13

Attachment 8

JOHNSON UTILITIES COMPANY L.L.C

5230 East Shea Boulevard * Scottsdale, Arizona 85254

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

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

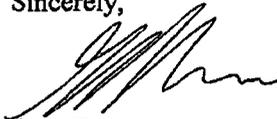
RE: Johnson Utilities Company, L.L.C.
Compliance with Decision No. 65840
Notice of Violation from ADEQ dated November 29, 2012
WS-02987A-99-0583; WS-02987A-00-0618; W-02234A-00-0371; W-02859A-00-0774;
W-01395A-00-0784

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

Attachment 1



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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

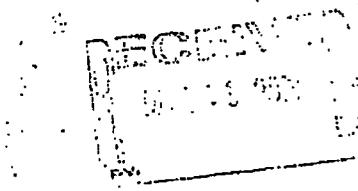


Henry R. Darwin
Director

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

Printed on recycled paper



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

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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

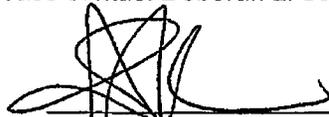
1. The time frames within this Notice for achieving and documenting compliance are firm limits. Failure to achieve or document compliance within the time frames established in this Notice will result in an administrative compliance order or civil action requiring compliance within a reasonable time frame, 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

JOHNSON UTILITIES L.L.C.

5230 E. Shea Blvd., Suite 200

Scottsdale, AZ. 85254

PH: 480-998-3300

FAX: 480-483-7908

TRANSMITTAL SHEET

TO:

FROM:

Brian Bozzo

Greg Brown

COMPANY:

DATE:

AZ. Corporation Commission

March 22, 2013

**Re: JOHNSON UTILITIES COMPANY, L.L.C.,
Compliance with Decision No. 65840
Notice of Violation from ADEQ dated November 29, 2012 (Case #99135)
WS-02987A-99-0583; WS-02987A-00-0618; W-02234A-00-0371;
W-02859A-00-0774; W-01395A-00-0784**

URGENT x FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

