

SW-02361A-08-0609

OPEN MEETING AGENDA ITEM



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ORIGINAL

ARIZONA CORPORATION COMM.
UTILITY COMPLAINT FORM

Investigator: Tom Davis

Priority: Respond Within Five Days

RECEIVED
2013 MAY - 2 A
ARIZONA CORPORATION COMMISSION
DOCKETED
MAY 2 2013

Opinion No. 2013 - 110453

Date: 5/1/2013

Complaint Description: 08E Rate Cases Items - In Favor
N/A Not Applicable

Arizona Corporation Commission
DOCKETED

First: Robert B. Last: Marshall

Complaint By: Robert B. Marshall

DOCKETED BY
Home: (000) 000-0000
Work: (000) 000-0000

Account Name: Robert B. Marshall

Street:

City: Carefree

State: AZ Zip: 85377

Utility Company: Liberty Water-Black Mountain Sewer Corporation

Division: sewer

Contact Name:

Nature of Complaint:

IN FAVOR SW-02361A-08-0609 SEWER

Commissioners:

I am Robert Marshall and I own the residence located at in the Boulders Community. My property is next door to the Black Mountain Sewer Treatment Plant and only 75 feet away from it.

The hearing in this matter established some critical facts:

- 3 homes are within 100 feet of the sewer plant.
•10 homes are within 300 feet of the sewer plant.
•17 homes are within 500 feet of the sewer plant.
•200 to 300 homes are within 1,000 feet of the sewer plant.

While all of these homes have been affected, I do not believe that there is another residence within the Boulders Community that has been as directly and adversely affected as my property. The extensive hearings in this matter and scores of complaints filed by adversely affected members of the Boulders Community reveal complaints that are consistent and that must be taken very seriously by you. The common thread of the complaints demonstrate that Black Mountain Sewer Corporation is responsible for causing:

- Offensive and Nauseating Odors.
•Concern over adverse health consequences from these odors and the industrial chemicals used to treat the sewage. Indeed, there are warning signs on the wall of the sewer plant stating that such chemicals are being utilized and that they should not be inhaled!! My home is only 75 feet away from these toxic chemicals and odors

SW-02-11511-10

ARIZONA CORPORATION COMMISSION

UTILITY COMPLAINT FORM

emanating from the plant

•Loud noises.

•Repair and pumper trucks coming and going at all hours causing considerable noise, traffic issues and raising dust.

•Diminution of property values. I have not been able to sell my home even at a deep discount from what I have into the house and I know of at least one real estate agent for another homeowner who pulled his listing because that property was not deemed saleable due to that home's close proximity to the sewer plant.

We have experienced all of this- and more! In addition to what I have already mentioned, the stress of living right next door to this operating sewer plant has had a negative effect on my marriage, caused me to have severe emotional distress which resulted in my hospitalization for some period of time and my two young grandchildren no longer want to visit me at the house because they experienced burning eyes and nausea caused by the noxious odors from that sewer plant.

Enough is enough with this sewer treatment plant!! It has wreaked havoc in my life and the lives of others in this community. The sewer treatment plant must be shut down now! Health and safety reasons being the primary concern and basis.

Secondarily, the sewer treatment plant is adversely affecting property values in the Boulders Community and continues to significantly detract from the lifestyle that we were bargaining for-and promised by the Resort-when we moved into the Boulders Community. As for the impact on the Boulders Resort, the Commission is aware that the Resort has had at least 3 years to plan for this and it has steadfastly chosen to insist on getting its cheap effluent from the sewer treatment plant because that is best for the New York hedge fund that owns the Resort .

The Resort has demonstrated over at least 3 years that it is not interested in anything else other than its own "bottom line" which was further evidenced during the March 16, 2013 meeting when the Resort's representatives came with nothing to offer. The health, safety and property values of the members of the Boulders Community mean nothing to the owners of the Resort. A strong and swift message from the Arizona Corporation Commission that the sewer plant is to be promptly shut down is acceptable to Black Mountain Sewer Corporation and it will send the appropriate message to the Resort that sitting idly by for 3 years was the wrong and callous

Accordingly, the Commission should adopt the Decision of the Administrative Law Judge in this matter and order the plant closed immediately. Thank you for your consideration.

End of Complaint

Utilities' Response:

Investigator's Comments and Disposition:

Opinion noted and filed in Docket No. SW-02361A-08-0609. CLOSED

End of Comments

Date Completed: 5/1/2013

Opinion No. 2013 - 110453
