

News Release



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FOR IMMEDIATE RELEASE

ADEQ Director Owens and Attorney General Goddard Announce Lawsuit against Far West Water & Sewer Co. and H & S Developers for Water and Air Quality Violations in Yuma

PHOENIX (Sept. 10, 2008) – Arizona Department of Environmental Quality Director Steve Owens and Attorney General Terry Goddard announced today that they have filed a lawsuit against Far West Water & Sewer Company, Inc. (Far West) and H & S Developers, Inc. (H & S) seeking penalties of up to \$25,000 per day for numerous, long-standing and repeated water and air quality violations in Yuma County.

Far West is the company currently providing water and sewer service to the affected Yuma-area community. H & S originally developed this area of Yuma. Before April 1998, H & S and Far West operated as one company. About that time, H & S formed Far West as a separate corporation and transferred drinking water and wastewater facilities to Far West.

The 49-page Complaint lists 50 counts against the companies. Thirty-eight of the counts are for violations at Far West's seven sewage treatment facilities and the other counts are against Far West and H & S for drinking-water violations that began before April 1998 before Far West became a separate company.

"These were very serious violations that put the community potentially at risk," Director Owens said. "We have taken action against Far West and H & S in the past to make sure the company operates these facilities in a safe and lawful way. While the violations have been corrected, significant penalties are absolutely warranted because of the magnitude and number of these violations."

"Arizonans must be able to trust that businesses providing their basic necessities will place public safety ahead of corporate profits," Attorney General Goddard said. "I will aggressively pursue Far West, H & S and any company that violates this trust and jeopardizes the security of our communities."

The Complaint alleges numerous violations at Far West's wastewater treatment plants (WWTPs) -- Del Oro, Villa Del Rey, Villa Royale, Section 14, Palm Shadows, Seasons, and Marwood -- including building or running WWTPs without existing or amended permits; releasing WWTP-reclaimed water for golf course irrigation without proper authorization; releasing odorous pollutants from insufficiently treated wastewater; failing to properly sample and monitor water for contaminants; exceeding permit limits for contaminants such as nitrate; and failing to notify ADEQ about violations in a timely manner.

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ADEQ took enforcement action against Far West for the violations, and in 2006, Far West agreed in a Consent Order with ADEQ to close three of its WWTPs, to expand one, and to upgrade and consolidate operations at the remaining WWTPs to correct all violations cited by ADEQ.

“Those serious violations stemmed from Far West’s attempt to operate beyond its ability to handle the volume of wastewater generated by the community,” Director Owens said.

The Complaint also alleges numerous safe drinking water violations over many years by Far West and H & S, with some going as far back as 1989. The alleged violations include failure to properly sample for the potential presence of a number of contaminants in the drinking water, such as coliform bacteria, radiochemicals, nitrates, trihalomethanes, disinfectant residuals, inorganic chemicals, volatile organic chemicals and synthetic organic chemicals; failure to report the result of any testing and sampling for these contaminants; failure to have a proper sampling plan; failure to have an emergency operations plan; failure to provide public notice of violations; and failure to have a certified water system operator.

“While there fortunately were never any reported health problems associated with these violations,” Director Owens said, “these testing, sampling and reporting requirements exist for a very fundamental, important reason: to protect the health and safety of the community. These violations are completely unacceptable.”

Far West currently is meeting all drinking water monitoring and reporting requirements.

The penalties sought in the Complaint range from \$500 per day per drinking-water violation to up to \$25,000 per day per wastewater treatment violation.