

# Water Quality Enforcement Report

## ARS § 49-105

The Water Quality Compliance Section is responsible for ensuring facility compliance with drinking water and water pollution statutes, rules and permit conditions. We meet this responsibility by conducting facility inspections, compliance assistance, complaint investigation with field staff located in Phoenix and regional office staff located in Flagstaff and Tucson, and conducting water compliance data analysis and enforcement case development in Phoenix. All activities are conducted in a professional manner to ensure that a facility is determined to be in compliance, or if staff discover evidence that indicates environmental non-compliance, a solution is developed to return a facility to compliance with all due speed.

### ***Drinking Water Compliance and Enforcement Activities***

Facility site compliance inspections	478
Facility site follow up inspections	69
Facility site construction inspections	48
Administrative Enforcement Actions	15
Administrative Penalties Assessed	\$23,750

This solution may be compliance assistance conducted during the course of an inspection or telephone conversation, the issuance of a notice of opportunity to correct or notice of violation, the issuance of an administrative order or a case referral made to the attorney general's office. In the latter case, the attorney general will assist ADEQ in crafting the appropriate return to compliance solution.

Pursuant to Arizona Revised Statutes (A.R.S.) § 49-105, the Water Quality Division Compliance Section reports the following information for FY 2000.

### **Drinking Water Compliance Administrative Orders**

#### ***Breakers Waterpark (PWS ID 10-194)\****

The water supplier entered into an administrative consent order with ADEQ on March 3, 2000 to resolve significant monitoring and reporting violations that occurred from 1995 to March 2000. The water supplier agreed to pay a civil administrative penalty of \$1,650 to settle this case.

#### ***Camp Wilderness of Lakeside (PWS ID 09-326)\****

The water supplier entered into an administrative consent order with ADEQ on Feb. 11, 2000 to resolve significant monitoring and reporting violations that occurred from 1995 to February 2000. The water supplier agreed to pay a civil administrative penalty of \$1,400 to settle this case.

#### ***Roosevelt Lake RV Park (PWS ID 04-341)\****

The water supplier entered into an administrative consent order with ADEQ on June 5, 2000 to resolve significant monitoring and reporting violations that occurred from 1996 to June 2000. The water supplier agreed to pay a civil administrative penalty of \$1,400 to settle this case.

**Water Quality Compliance  
Section Web Pages**

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***Foothills Mobile Home Park (PWS ID 20-045)\****

The water supplier entered into an administrative consent order with ADEQ on June 30, 2000 to resolve significant monitoring and reporting violations including supplying water high in nitrate. This water supplier no longer serves water to the public and now receives all of its water from the city of Tucson. The water supplier agreed to pay a civil administrative penalty of \$500 to settle this case.

***Beaver Dam Filling Station (PWS ID 08-057)\****

The water supplier entered into an administrative consent order with ADEQ on June 2, 2000 to resolve significant monitoring and reporting violations that occurred from 1993 to June 2000. The water supplier agreed to pay a civil administrative penalty of \$1,700 to settle this case.

***Snowbird RV Park (PWS ID 08-066)\****

The water supplier entered into an administrative consent order with ADEQ on June 9, 2000 to resolve significant monitoring and reporting violations that occurred from 1993 to June 2000. The water supplier agreed to pay a civil administrative penalty of \$1,700 to settle this case.

***Flagstaff Mission to the Navajos (PWS ID 03-323)\****

The water supplier entered into an administrative consent order with ADEQ on June 30, 2000 to resolve significant monitoring and reporting violations that occurred from 1993 to June 2000. The water supplier agreed to pay a civil administrative penalty of \$2,500 to settle this case.

***Central Machinery (PWS ID 11-121)\****

The water supplier entered into an administrative consent order with ADEQ on Jan. 24, 2000 to resolve significant monitoring and reporting violations that occurred from 1995 to January 2000. The water supplier agreed to pay a civil administrative penalty of \$1,000 to settle this case.

***Rainbow Acres (PWS ID 13-340)\****

The water supplier entered into an administrative consent order with ADEQ on Dec. 29, 1999 to resolve significant monitoring and reporting violations that occurred from 1997 to December 1999. The water supplier agreed to pay a civil administrative penalty of \$1,100 to settle this case.

***Alpine Water Company (PWS ID 01-001)\****

The water supplier entered into an administrative consent order with ADEQ on Feb. 17, 2000 to resolve significant monitoring and reporting violations that occurred from 1999 to February 2000. The water supplier agreed to pay a civil administrative penalty of \$1,100 to settle this case.

***Desert Winds MHP (PWS ID 02-353)\****

The water supplier entered into an administrative consent order with ADEQ on June 2, 2000 to resolve significant monitoring and reporting violations that occurred from 1993 to June 2000. The water supplier agreed to pay a civil administrative penalty of \$3,200 to settle this case.

***Johnson Ranch (PWS ID 11-128)\****

The water supplier entered into an administrative consent order with ADEQ on June 2, 2000 to resolve significant monitoring and reporting, and operations and maintenance violations including a maximum contaminant level (MCL) exceedance for nitrate which occurred from July 1999 to October 1999. The water supplier corrected the nitrate MCL and agreed to pay a civil administrative penalty of \$4,900 to settle this case.

***Apache Junction Water Company (PWS ID 11-039)\****

The water supplier entered into an administrative consent order with ADEQ on June 27, 2000 to resolve significant monitoring and reporting, and operations and maintenance violations including a maximum contaminant level (MCL) exceedance for arsenic which occurred from Feb. 9, 2000 to Feb. 14, 2000. The water supplier corrected the MCL and agreed to pay a civil administrative penalty of \$1,600 to settle this case.

***Camp Lo Mia (PWS ID 04-317)***

The water supplier entered into an administrative consent order with ADEQ on March 20, 2000 to resolve significant monitoring and reporting, and operation and maintenance violations that occurred from 1995 to March 2000. The water supplier agreed to take corrective actions to resolve the violations.

***City of St. Johns (PWS 01-012)***

The water supplier entered into an administrative consent order with ADEQ on Aug. 23, 1999, which is the result of a modification to a final decision and order.

The original compliance order was issued on May 16, 1996. The consent order, which replaced the original compliance order, included significant monitoring and reporting, and operation and maintenance violations including a radiochemical maximum contaminant level (MCL) exceedance for radium 226/228. The violations have existed from 1995 to present. The water supplier agreed to take corrective action to resolve the MCL exceedance by submitting an application for an approval to construct by performing either new construction or modifications to the existing system to resolve the MCL.

***Compliance Assistance Solutions***

*Possible compliance assistance solutions include:*

- ◆ *compliance assistance during the course of an inspection or telephone conversation,*
- ◆ *the issuance of a notice of opportunity to correct or notice of violation, or*
- ◆ *the issuance of an administrative order or a case referral made to the attorney general's office.*

*\*All civil administrative penalties were assessed for violations that occurred April 1997 or later.*

## Water Quality Administrative Orders

### ***Superstition Mountain Community Facilities District No. 1 Wastewater Treatment Facility***

On Dec. 10, 1999, ADEQ entered into a consent order with the Superstition Mountain Community Facilities District, giving it an additional time to correct the remaining issues pursuant to an earlier consent order that had been issued on May 12, 1999. The SMCFD had placed the facility into operation without an approval of construction from ADEQ and had not constructed a lined sludge drying lagoon as approved. The violations have since been corrected. The district paid the state a penalty of \$15,000 for failing to fully comply with the original compliance schedule.

### ***Water Pollution Compliance and Enforcement Activities***

*The Water Quality Division, Compliance Section reports the following water pollution information pursuant to A.R.S. 49-105.*

Compliance inspections of APP, GWQP, Reuse and NPDES permitted facilities	379
Compliance inspection of non-permitted wastewater facilities	225
Compliance inspections of non-point source activities including CAFOs and stormwater	105
Construction inspection of newly-constructed wastewater treatment facilities	87
Complaint investigations	145

### ***Sweetwater Recharge Facilities - City of Tucson, Tucson Water***

On May 24, 2000, ADEQ and Tucson Water entered into a consent order. The consent order required Tucson Water to abandon an onsite septic tank system and connect the Silverbell Golf Course restrooms to Pima County sewer system. Tucson Water believes that the high levels of nitrates (greater than 10 mg/l) found in one of the Sweetwater Recharge Facilities monitor well are due to impact of sewage from the onsite septic tank system. If the nitrate levels in the groundwater do not fall below the aquifer water quality standard of 10 mg/l by Dec. 31, 2003, Tucson Water shall submit a proposed plan of action to ADEQ for review and approval by March 1, 2004.

## Civil Actions

### ***City of Chandler Wastewater Treatment Facility***

On Jan. 12, 2000, ADEQ and the city of Chandler entered into a consent judgment to resolve an enforcement action brought against the city for three unauthorized discharges of sewage from its sewer lines in January and February 1998. The volume of spills ranged from 3,000 to 140,000 gallons. The consent judgement requires the city to perform daily monitoring of sewage flow in the collection system including Pecos Interceptor and Price Road. Furthermore, within eight months of the effective date of the consent judgement, the city shall install a permanent flow meter, a permanent level monitor, and implement a Supervisory Control and Data Acquisition system designed to continuously monitor the flow downstream of Price/Peco Diversion Structure. All these steps are intended and expected to prevent future non-permitted discharges. In addition to being subject to stipulated penalties for failure to com-

ply with the requirements of the consent judgement and any future non-permitted discharge (in excess of 1,500 gallons), the city paid the state a civil penalty of \$32,000.

#### ***Town of Miami Wastewater Treatment Facility***

On March 3, 2000, ADEQ and the town of Miami entered into a consent judgment to resolve an enforcement action brought against the town for violations of Aquifer Protection Permit and state surface water quality standards. On Sept. 16, 1998, a six inch iron "T" joint of a wastewater conveyance line in the lift station ruptured and released a significant volume of raw sewage onto the adjacent land and ultimately into the Bloody Tanks Wash. The non-permitted discharge of raw sewage into Bloody Tanks Wash exceeded the surface water quality standard for fecal coliform for the applicable designated uses of aquatic and wildlife ephemeral and partial body contact. The consent judgment required the town to pay the state of Arizona a civil penalty of \$2,800. An additional \$1,700 was expended by the town on an early warning detection system for its wastewater collection system. The consent judgement does not require any injunctive relief as all the necessary remediation and corrective actions had been taken.

#### ***City of Scottsdale and Agate, Inc.***

On Aug. 23, 1999, ADEQ entered into a consent judgment with the city of Scottsdale and Agate, Inc., (Agate) to resolve action brought against the city and Agate for the unauthorized discharges of raw sewage in December 1997 and January 1998. The spills occurred from a sewer line at or around the intersection of Pima Road and Shea Boulevard in Scottsdale. The city and Agate were required by the consent judgement to conduct specific corrective actions to remediate the spills and to prevent similar sewage spills in the future. Additionally, they performed a supplemental environmental project worth at least \$20,000, and paid the state a civil penalty of \$40,000.

#### ***Del Webb- Sun City West Recharge Project***

On Feb. 18, 2000, ADEQ and Del E. Webb Development Co. L. P. (Del Webb) entered into a consent judgment to resolve an enforcement action brought against Del Webb for an unauthorized discharge of approximately 500,000 gallons of tertiary-treated effluent from a recharge cell at the Sun City West Recharge Facility as a result of a berm failure. The consent judgement required Del Webb to pay the state \$9,500 in civil penalty and to perform a supplemental environmental project (SEP) valued at \$15,000. The SEP which was supervised by the Maricopa County Parks and Recreation Department involved enhancing the animal habitat at the Desert Outdoor Center. No additional injunctive relief was sought as all the necessary corrective actions were taken.

#### ***Prescott Valley and OMI***

On Dec. 15, 1999, ADEQ entered into a consent judgment with the town of Prescott Valley, owner, and the Operations Management International (OMI), operator, of the Prescott Valley Wastewater Treatment Facility. This action was taken to resolve an enforcement action against the town and OMI for violations of the

Aquifer Protection Permit and state surface water quality standards. From approximately Sept. 10, 1998, through Nov. 28, 1998, the town and OMI applied wastewater effluent for reuse which contained concentrations of fecal coliform in excess of their Aquifer Protection Permit limit. Furthermore, during the same period, they discharged an average of 1.4 million gallons of inadequately treated wastewater per day to a tributary of Agua Fria River that exceeded the state surface water quality standards for fecal coliform. The consent judgement requires defendants to perform specific corrective actions so that similar violations do not occur again. Also, defendants paid the state of Arizona a civil penalty of \$55,000.

***Phoenix Fuel Co., Inc., Jesoco, Inc., and Chaparral Pines Investors L.L.C.***

On April 17, 2000, ADEQ entered into a consent judgement with Phoenix Fuel Co., Inc., Jesoco, Inc., and Chaparral Pines Investors L.L.C. ("defendants") to resolve an enforcement action against defendants for discharge of pollutants without an Aquifer Protection Permit and for violating state's surface water quality standards. On Sept. 5, 1998, approximately 1,000 gallons of diesel fuel contained in a tank was discharged into an unnamed tributary of Goat Camp Wash on the north side of state Highway 260, near Payson, Gila County. The tank was located on property owned by Chaparral Pines Investors L.L.C., was owned and by Phoenix Fuel Co. and was operated by Jesoco, Inc. The diesel fuel flowed downstream approximately 1.5 miles, caused extensive contamination of the waters and bed of the tributary, and washed onto the lands on both sides of the tributary. The defendants completed remediation of the affected area to the satisfaction of ADEQ and paid the state a civil penalty of \$12,000.

***BHP Copper, Inc. - San Manuel Mine Spill***

On Sept. 9, 1999, ADEQ entered into a consent judgement with BHP Copper, Inc. – San Manuel Mining (BHP) to resolve an enforcement action brought against BHP for discharge of pollutants without an Aquifer Protection Permit and for violations of numeric surface water quality standards. These violations occurred as a result of a discharge event in which 576,000 gallons of contaminant laden pregnant leach solution PLS combined with rainwater discharged from BHP's heap leach facility and pregnant leach solution collection channel. The discharged fluids flowed for approximately 2.5 miles down a nearby wash, an unnamed tributary of the San Pedro River, eventually spreading over the flood plain of the San Pedro River. BHP remediated the site to the satisfaction of ADEQ and paid the state a civil penalty of \$18,500.

***North Star Steel Company***

On Feb. 18, 2000, ADEQ entered a consent judgement with the North Star Steel Company to resolve an enforcement action brought against North Star for unauthorized discharge of pollutants and for violation of its Aquifer Protection Permit. On seven occasions from October 1997 through March 1998, industrial processed water mixed with some, approximately 1 to 2 percent, secondary-treated domestic wastewater effluent and was released from the facility's sludge processing pond, a coldwell, and a scale pit into an unnamed wash that is a tributary to Sacramento Wash in Mohave County. The volume of these non-permitted releases ranged from 2,000 to 700,000 gallons. North Star conducted all the necessary corrective actions and paid

the state a civil penalty of \$35,000.

***Groendyke Transport, Inc.***

On Jan. 7, 2000, ADEQ entered into a consent judgement with Groendyke Transport, Inc. to resolve an enforcement action brought against Groendyke for discharge of pollutants without an Aquifer Protection Permit and for violating the state's narrative surface water quality standards.

On July 15, 1998, a truck carrying 7,000 gallons of used oil veered off Highway 87 near Sunflower, Ariz., cut a gash into the side of the tanker on a wall of a rock, and spilled approximately 6,000 gallons of used oil to Sycamore Creek, a tributary of Verde River. The truck was owned and operated by Groendyke which specializes in hauling secondary fuels throughout the United States. Groendyke completed remediation of the affected area to the satisfaction of ADEQ and paid the state a civil penalty of \$20,000.

***Pro Petroleum, Inc.***

On March 27, 2000, ADEQ entered into a consent judgement with the Pro Petroleum, Inc., to partially resolve an enforcement action brought against the Pro Petroleum, Inc., for discharge of pollutants without an Aquifer Protection Permit and for violation of the state's surface water quality standards. On Dec. 11, 1999, a Pro Petroleum, Inc., tanker transporting 7,000 gallons of diesel fuel fell into a ravine known as Hog Canyon near Rye, Ariz. The ensuing crash and explosion scorched about one acre of the immediate desert area and a significant amount of diesel fuel was released into an unnamed wash to Grapevine Spring and beyond. The unnamed wash is a tributary to Hog Canyon Wash which is a tributary to Rye Creek. Approximately a half mile of the unnamed wash was contaminated with petroleum products. The first quarter mile of this wash is ephemeral. The next quarter mile, fed by Grapevine Spring, is flowing. The consent judgment requires Pro Petroleum, Inc. to perform weekly and monthly soil and water sampling at several locations along the canyon to determine the effectiveness of their remediation efforts. The remediation involves the use of a pump and treat system, filter dams, absorbent booms or pillows, and ultimately biological agents. ADEQ intends to seek civil penalties for these violations.

***ADEQ's Web Site Resources***

*The Water Quality Compliance and Enforcement pages of the ADEQ Web site contain a number of important documents and forms, including guidance documents, laboratory reporting forms, manuals and reports.*

