

# ***Water Quality Enforcement Report***

***A.R.S. §49-105***

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# ***Water Quality Enforcement Report***

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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 and compliance investigation with field staff located in Phoenix and regional office staff located in Flagstaff and Tucson, and by conducting water compliance data analysis and enforcement case development in Phoenix. All program 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 noncompliance, a solution is developed to return a facility to compliance with all due speed.

This solution may be compliance assistance conducted during the course of a facility inspection or telephone conversation, the issuance of a notice of opportunity to correct or notice of violation, the issuance of an administrative order or an environmental 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 A.R.S. § 49-105, the Water Quality Division's Compliance Section reports the following information for FY 2001.

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

#### ***Fiesta Canning Company Inc. (PWS ID 02-399)***

The water supplier entered into an administrative consent order with ADEQ on Aug. 4, 2000 to resolve significant monitoring and reporting violations that occurred from 1993 to August 2000. The water supplier agreed to pay a civil administrative penalty of \$2,600 to settle the case.

#### ***THIM Utilities Company (PWS ID 10-046)***

The water supplier entered into an administrative consent order with ADEQ on May 23, 2001, to resolve a nitrate maximum contaminant level (MCL) exceedance, missed monitoring and reporting and for implementing an unapproved blending plan from 1997 to May 2001. The water supplier agreed to get an approved blending plan and pay an civil administrative penalty of \$3,750 to settle the case.

***Fuel Express (PWS ID 09-309)***

The water supplier entered into an administrative consent order with ADEQ on July 25, 2000 to resolve monitoring and reporting violations that occurred from 1997 to 2000. The water supplier agreed to pay a civil administrative penalty of \$850 to settle violations.

***Montlure Camp (PWS ID 01-319)***

The water supplier entered into an administrative consent order with ADEQ on Sept. 5, 2000 to resolve significant monitoring and reporting violations that occurred from 1993 to 2000. The water supplier agreed to pay a civil administrative penalty of \$1,750 to settle this case.

***Coolidge-Florence Elks Lodge #2350 (PWS ID 11-351)***

The water supplier entered in an administrative consent order with ADEQ on June 25, 2001, to resolve a nitrate MCL, total coliform MCL and other monitoring and reporting violations from 1996 to 2001. The water supplier is installing best available technology (BAT) and agreed to pay an civil administrative penalty of \$1,000 to settle the case.

***Boulder Inn (PWS ID 08-307)***

The water supplier entered into an administrative consent order with ADEQ on Feb. 28, 2001, to resolve monitoring and reporting violations that occurred from 1995 to Feb. 28, 2001. The water supplier agreed to pay a civil administrative penalty of \$2,500 to settle the case.

***Rillito Water Users Association (PWS ID 10-098)***

The water supplier entered into an administrative consent order with ADEQ on April 4, 2001, to resolve significant monitoring and reporting violations from 1997 to April 4, 2001. The water supplier agreed to pay a civil administrative penalty of \$2,800 to settle the case.

***Pinal County Fairgrounds (PWS ID 11-120)***

The water supplier entered into an administrative consent order with ADEQ on May 24, 2001, to resolve significant monitoring and reporting violations. The water supplier agreed to pay a civil administrative penalty of \$3,000 and has connected to another regulated water system to settle the case.

***Coronado Estates Water Company (PWS 02-013)***

The water supplier entered into an administrative consent order with ADEQ on April 16, 2001, to resolve significant monitoring and reporting violations that occurred from 1995 to August 2000. The water supplier agreed to pay a civil administrative penalty of \$5,000 to settle the case.

***C Bar Diamond RV Park (PWS 04-069)***

The water supplier entered into an administrative consent order with ADEQ on Sept. 5, 2000 to resolve significant monitoring and reporting and operations and maintenance violations that occurred from 1993 to September 2000. The water supplier agreed to pay a civil administrative penalty of \$1,800 to settle the case.

***Federwisch # 1 Water System (PWS 13-163)***

The water supplier entered into an administrative consent order with ADEQ on Jan. 11, 2001, to resolve monthly total coliform, nitrite and annual nitrate monitoring and reporting violations that occurred from 1993 to January 2001. The water supplier agreed to pay a civil administrative penalty of \$500 to settle the case.

***Q Mountain Estates Mobile Home Park (PWS 15-509)***

The water supplier entered into an administrative consent order with ADEQ on April 16, 2001, to resolve significant monitoring and reporting violations that occurred from 1993 to April 2001. The water supplier agreed to pay a \$2,000 civil administrative penalty to settle the case.

***City of Phoenix Municipal Water System (PWS 07-025)***

The water supplier entered into a civil consent decree with ADEQ and EPA on Oct. 31, 2000 to resolve significant monitoring and reporting violations that occurred from 1993 to November 1996. The water supplier agreed to pay a civil penalty of \$350,000 and perform several supplemental environmental projects (SEPs) totaling \$1,262,361 to settle the case.

***Holbrook Seventh-Day Adventist Indian School (PWS ID 09-046)***

The water supplier entered into an administrative consent order on Feb. 28, 2001 to resolve significant monitoring and reporting and operation and maintenance violations that occurred from 1994 to February 2001. The water supplier agreed to pay an administrative penalty of \$1,000 to settle this case.

***Oatman Water Company (PWS ID 08-001)***

The water supplier entered into an administrative consent order on Sept. 15, 2000 to resolve significant monitoring and reporting violations that occurred from 1993 to August 1999. The water supplier agreed to pay an administrative penalty of \$500 to settle this case.

***Johnson Utilities Sun Valley Farms Unit V Water System (PWS ID 11-116)***

The water supplier was issued a compliance order on Aug. 1, 2000 as a result of a failure to obtain required construction approvals for modifications made to the water system. The water supplier was fined \$6,000 for the associated violations. The fine was paid and the order was closed on Aug. 8, 2000.

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

The Apache Junction Water Company entered into an administrative consent order on April 6, 2001, to resolve significant monitoring and reporting violations that occurred on June 6, 2000. The water supplier agreed to pay an administrative penalty of \$2,400 to settle this case.

Administrative Enforcement Actions	16
Civil Administrative Penalties Assessed	\$91,450
Civil Enforcement Actions	1*
Civil Penalties Assessed	\$1,262,361*

\* *City of Phoenix enforcement joint case with EPA*

**Water Quality Compliance and Enforcement Activities**

***Arizona Public Service-Cholla Power Plant***

On Jan. 15, 2000, approximately 184,000 to 202,500 gallons of bottom ash slurry was discharged from the Cholla Power Plant pipeline system into an unnamed tributary wash to Tanner Wash, a tributary of the Little Colorado River. APS immediately repaired the pipeline and completed the cleanup of the affected lands and washes by April 15, 2000. On Dec. 18, 2000, ADEQ and APS entered into a consent judgment which required APS to pay the state of Arizona a civil penalty of \$15,000 to settle the case.

***Asarco Ray Complex Mine***

On Nov. 1, 2000, Asarco paid a stipulated penalty of \$1,000 (\$500 to EPA, \$500 to state of Arizona) for the Oct. 10, 2000 discharge of 15,000 gallons of process water containing an estimated 80 pounds of cupric sulfate. Again on Dec. 18, 2000, Asarco paid a stipulated penalty of \$1,000 (\$500 to EPA, \$500 to state of Arizona) for a Nov. 21, 2000 spill of approximately 200 gallons of copper sulfate solution from a pipeline into Mineral Creek. These penalty payments are required under the terms of a 1998 consent decree (CIV 98-137) involving EPA, ADEQ and Asarco.

***Boulders East Wastewater Treatment Facility***

The Boulders Carefree Sewer Corporation owns and Western Environmental Technology, Inc., operates a centralized wastewater collection, treatment and disposal facility, located in Maricopa County in Carefree. On Oct. 22, 1999, there

was a release of approximately 300 gallons of raw sewage which flowed into an unnamed wash, tributary to the Galloway Wash, which in turn is a tributary to Cave Creek.

At the same location on Oct. 24-25, 1999, there was another release of approximately 41,000 gallons of raw sewage into the aforementioned unnamed wash. The affected area was immediately cleaned up and disinfected with liquid and granular chlorine and equipment was repaired.

On Jan. 16, 2001, ADEQ and the owner and operator of the facility entered into a consent judgment that required Boulders Carefree Sewer Corporation and Western Environmental Technology, Inc. to pay the state of Arizona a civil penalty of \$20,000. Additionally, Boulders Carefree Sewer Corporation and Western Environmental Technology, Inc. have been required to institute a comprehensive inventory, maintenance and emergency program geared to prevent future discharges.

***City of Globe Wastewater Treatment Facility***

On Aug. 13-14, 1999, and again on Aug. 21-23, 1999, unpermitted discharges of raw sewage occurred from the city collection system to an unnamed wash tributary to Pinal Creek. The city cleared the line and cleaned up the first volume of discharge, which was estimated to be 50,000 gallons. The second discharge event was estimated to be approximately 120,000 to 150,000 gallons of raw sewage to Pinal Creek.

On Sept. 18, 2000, a consent judgment which was entered in Maricopa County Superior Court where the city agreed to continue implementing a preventive maintenance schedule to prevent future spills, purchase 1000 feet of extension hose for emergency flow diversion, and pay a civil penalty of \$13,000.

***City of Holbrook Wastewater Treatment Facility***

On March 3, 2000, approximately 10,000 to 20,000 gallons of raw sewage was discharged from the city's collection system in the 7<sup>th</sup> Street Canyon area which affected an unnamed wash and a storm water retention basin. Depth to groundwater in this area is about 30 feet. Also, on April 16, 2000, approximately 4.3 million gallons of treated wastewater was released from an agricultural reuse site (alfalfa field) into the Leroux Wash, a tributary to the Little Colorado River.

On January 26, 2001, a consent judgement between ADEQ, and the city of Holbrook was entered, where the city of Holbrook paid a \$10,000 civil penalty to the state of Arizona to settle these cases.

### ***Litchfield Park Service Company (LPSCO)***

On June 10-11, 2000, approximately 180,000 gallons of raw sewage mixed with approximately 1,520,000 gallons of treated wastewater was released from LPSCO's overflowing manholes in Goodyear. The cause of the release was the collapse of a portion of the Roosevelt Irrigation District Canal (RIDC) in Avondale that discharged 95 million gallons of treated wastewater into the surrounding area and the newly constructed LPSCO sewer line. The addition of the RIDC water to the LPSCO's sanitary sewer line caused manholes to overflow into a number of commercial business sewer service connections in Goodyear. The bulk of the surcharged wastewater, however, entered a number of unlined retention basins from where it had a reasonable probability of affecting the shallow aquifer. LPSCO, with assistance from the city of Goodyear, completed the clean up and remediation of the affected area by July 28, 2000.

A consent judgment between ADEQ and LPSCO requiring the payment of \$15,000 of penalties was entered in Maricopa County Superior Court on Feb. 26, 2001.

### ***City of Tolleson Wastewater Treatment Facility***

On July 21-22, 1999, and again on Sept. 13-14, 1999, there were two discharges of raw sewage from a city owned and operated lift station located at 96th Avenue and Buckeye Road in Tolleson. These discharges were approximately 100,000 gallons each. Depth to ground water from the surface in this area is approximately 70 feet. After each discharge, the city of Tolleson took prompt action to remediate the site. Woodrow C. Scoutten, an engineer for the city of Tolleson, conducted a study and determined that, in terms of fecal coliform and nitrate loading, there was no discernable additional contamination of the aquifer.

On Aug. 29, 2000, ADEQ and the city of Tolleson entered into a consent judgment that required the city to pay a civil penalty of \$10,600 to settle the case.

### ***City of Goodyear Wastewater Treatment Facility***

The city of Goodyear owns and operates a wastewater collection system in the city of Goodyear. On May 29, 2000, approximately 63,000 gallons of raw sewage was released from the City of Goodyear Sewage Collection System into an adjacent unlined storm water retention basin. A second unpermitted discharge from the sewage collection system occurred on June 11-12, 2000 when approximately 417,000 gallons of raw sewage mixed with irrigation water was discharged from manholes upstream of the 157th Avenue Wastewater Treatment Plant into the nearby agricultural ditches and the Buckeye Irrigation District Canal, a tributary to Gila River. Again on Oct. 17, 2000, approximately 5,000 gallons of partially treated sewage was released from the Corgett Wash Water Reclamation Facility to Corgett Wash, a tributary to the Gila River. The city of

Goodyear completed the clean up and remediation of the affected area in a timely manner. A consent judgment between ADEQ and the city of Goodyear requiring the payment of a \$15,000 penalty was entered in Maricopa County Superior Court on April 25, 2001.

***Pro Petroleum, Inc.***

On Dec. 11, 1999, a Pro Petroleum, Inc. (PPI) 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, a tributary to Hog Canyon Wash which is a tributary to Rye Creek. Approximately one-half mile of the unnamed wash was contaminated with petroleum products. The first one-quarter mile of this wash is ephemeral. The next 1/4 mile is fed by Grapevine Spring and is flowing.

Shortly after the incident, PPI began to clean up the site and monitor the affected area. On March 27, 2000, ADEQ and PPI entered into a consent judgment which requires PPI to perform clean up in a timely manner as to prevent any migration of pollutants downstream and into private wells used by residents in the area. The judgment also requires weekly and monthly soil and water sampling at several locations along the canyon to determine effectiveness of the clean up. On Aug. 3, 2000, PPI paid the state of Arizona \$5,000 in stipulated penalties for violations of the terms of the consent judgment. The most recent analytical data submitted by PPI to ADEQ indicate no contamination in excess of state water quality standards or soil remediation levels.

<b>Table 2. Water Quality Compliance and Enforcement Actions</b>	
Administrative Enforcement Actions	0
Civil Enforcement Actions	9
Civil Penalties Assessed	\$103,500