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Tough Permit for Bella Terra Wastewater Treatment Plant Near Sedona Upheld

PHOENIX (Jan. 18, 2008) -- Arizona Department of Environmental Quality (ADEQ) Director Steve Owens announced today that the Arizona Water Quality Appeals Board has rejected a challenge to the department's issuance of an Aquifer Protection Permit (APP) for the Bella Terra Reclamation Wastewater Facility near Sedona. The Appeals Board affirmed a decision by an Administrative Law Judge (ALJ) upholding the ADEQ permit.

In 2006 the Yavapai County Board of Supervisors approved Bella Terra on Oak Creek as a new subdivision consisting of 106 lots on 53.5 acres bordering Oak Creek. ADEQ was not involved in the county's zoning decision.

After a lengthy review process, in February 2007, ADEQ decided to issue an extremely protective APP for the wastewater treatment plant to strictly control wastewater generated by the subdivision and ensure that Oak Creek is protected from any potential contamination. Based on the number of lots and occupancy figures at the subdivision, the treatment plant is expected to generate less than 25,000 gallons of treated wastewater per day at maximum capacity, and the APP tightly limits the facility to that volume, in addition to imposing other significant requirements on the plant. The APP is the toughest water quality permit ever issued for a facility of this size by ADEQ.

In March 2007, the ADEQ permit was challenged by the Sierra Club and the Red Rock Rural Community Association. In November 2007, Administrative Law Judge Thomas Shedden rejected the challenge and upheld the permit. The Water Quality Appeals Board affirmed the ALJ's decision in December.

"We are very pleased that both the administrative law judge and the Water Quality Appeals Board have recognized that this is an extremely tough permit that protects Oak Creek and precious groundwater resources in the Sedona area to the highest level possible," Director Owens said. "This is the toughest permit ever issued for a facility of this size."

ADEQ estimates that without the plant, more than 50 septic tanks would be needed to serve homes approved by the Yavapai County Board of Supervisors. Those tanks would produce three times as much total nitrogen and 1 million times as much bacteria as the plant.

Bella Terra

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Among other provisions, the APP requires that effluent from the plant must meet standards equivalent to drinking water standards (Aquifer Water Quality Standards) and Class A+ Reclaimed Water Quality Standards, the highest water quality standard for effluent. No effluent disposal is allowed in Oak Creek or Carroll Canyon Wash.

To further protect Oak Creek and Carroll Canyon Wash from any impacts, a required monitoring well, known as a sentinel well, will provide an "early warning system" before any impacts to Oak Creek or Carroll Canyon Wash can occur. The developer also must demonstrate increased financial capability in the amount of \$600,000 to cover construction, operation, closure and proper post-closure care of the wastewater treatment plant.