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ADEQ Announces Long-Standing Illegal Dump in Wickenburg Cleaned Up, Legal Questions Resolved

PHOENIX (April 17, 2009) – Arizona Department of Environmental Quality officials announced today that a long-standing illegal dump within Wickenburg city limits has been cleaned up and all legal questions resolved concerning the matter.

The announcement ends nearly five years of enforcement actions by ADEQ, the Arizona Attorney General's Office and the Town of Wickenburg concerning the illegal landfill on property owned by William and Evelyn Depperschmidt in the 1800 block of West Duffy Road in Wickenburg.

“We’re very pleased that the Depperschmidt family in the end cooperated with ADEQ and their surrounding community to clean up the illegal dumpsite that was a nuisance and an eyesore in the neighborhood,” ADEQ Acting Director Patrick J. Cunningham said.

An inspection by ADEQ’s Solid Waste Inspections and Compliance Unit in October 2004 confirmed that large quantities of waste were being dumped illegally in a dry wash on the property. William Depperschmidt told investigators he had been allowing the disposal of waste on his property since 1990.

ADEQ issued an administrative order requiring removal of the waste in July 2005. The Depperschmidts appealed the order but it was upheld by an Administrative Law Judge. The ADEQ order to remove the waste became final in January 2006. The Depperschmidts then appealed that order in Maricopa County Superior Court but the court dismissed the Depperschmidts’ appeal in August 2007.

Meanwhile, the Depperschmidts were found guilty of operation of a solid waste facility without state approval and operation of a solid waste facility contrary to city ordinance in Wickenburg Justice Court in October 2006. In addition, William Depperschmidt was found guilty of placing debris into a waterway, diverting or restricting flow to a waterway, and movement of dirt without a permit. His sentence was deferred provided he no longer engaged in operation of the landfill nor interfered with anyone who would come onto the property at the direction of ADEQ for the purpose of removing the waste.

In January 2008, the Arizona Attorney General’s Office filed a complaint in Maricopa County Superior Court to enforce the final ADEQ Administrative Order. The complaint alleged that the Depperschmidts had not complied with the July 2005 Order; the Depperschmidts continued to illegally operate the solid waste landfill without ADEQ’s approval and failed to file a restrictive covenant on the property where the landfill was located to notify the public and other landowners of the landfill operations.

ADEQ and the AG's Office attempted to negotiate a settlement with the Depperschmidts but the family refused to provide comments or sign the draft Consent Judgment. On October 29, 2008, the state filed an Application for Entry of Default when the Depperschmidts failed to respond, plead, or otherwise defend against the complaint. A default judgment was entered by the Superior Court in November 2008.

The Depperschmidts disposed of the solid waste and ceased operating the landfill beginning in December 2008. Three of the four landscape companies who were issued Notices of Violation for improper disposal of solid waste at the site also cooperated in the cleanup. Those cooperating were the company Napoles Landscaping and individuals Javier Ruiz and Rafael Viguera.