

Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera
Director

Case ID #: 200961

October 22, 2021

Pine Meadows Utilities, LLC
Attention: Jason Williamson
7581 E Academy Blvd
STE 229
Denver, CO 80230

Subject: Houston Creek Landing - WWTP, Place ID 5395
390 S Granite Ridge Rd / Star Valley, AZ 85541

NOTICE OF VIOLATION

This Notice of Violation (NOV) is an informal compliance assurance tool used by the Arizona Department of Environmental Quality (ADEQ) to put a responsible party (such as a facility owner or operator) on notice that the Department believes a violation of an environmental requirement has occurred and describes the facts known to ADEQ at the time of issuance. ADEQ has reason to believe that Pine Meadows Utilities, LLC as the owner/operator of Houston Creek Landing - WWTP has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit, license, or administrative order. ADEQ identified the violations alleged below during an inspection completed on October 21, 2021. See the Documenting Compliance section below for the actions required to resolve the cited violation(s).

ADEQ reserves the right to take a formal enforcement action, such as issuing an administrative order or filing a civil lawsuit, regardless of whether the Department has issued an NOV. Neither ADEQ's issuance of an NOV nor its failure to do so precludes the Department from pursuing these remedies. However, the timeliness of a complete response to this notice will be considered by ADEQ in determining if and how to pursue such remedies.

If this NOV is a result of an inspection then the NOV also serves as a monthly status update as required by A.R.S. § 41-1009(J).

I. LEGAL AUTHORITY and NATURE OF ALLEGED SIGNIFICANT VIOLATION(S)

1. **AZPDES Permit Standard Condition 5. Duty to Mitigate**

Failure of the Permittee to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has the reasonable likelihood of adversely affecting human health or the environment.

During the 10-21-2021 inspection of the Houston Creek Landing Wastewater Treatment Plant (WWTP) Outfall 001, ADEQ observed evidence of sewage sludge discharged to Houston Creek from Outfall 001. Sewage sludge was observed at the confluence of Houston Creek and the channeled conveyance extending from Houston Creek Landing WWTP Outfall 001. The sewage sludge was found up to 200 feet downstream of the confluence and in some areas, sewage sludge covered the creek bed of Houston Creek in an area of 100

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square feet. The sewage sludge found in Houston Creek had the following characteristics: dark brown in color, a distinct earthy smell characteristic of sewage sludge, was wet/saturated, covered the top soil, and was settled as a bottom deposit underwater in areas of slow moving water in Houston Creek. The channeled conveyance from Houston Creek Landing WWTP Outfall 001 to Houston Creek also had evidence of sludge being previously discharged. Dark brown sewage sludge was found lining the banks of the Outfall 001 channeled conveyance and settled sewage sludge was observed in sections of the conveyance with slow water flow velocity.

II. LEGAL AUTHORITY and NATURE OF OTHER ALLEGED VIOLATION(S)

1. **Permit 57314 - Part I.A Table 1**

Failure to monitor discharges from the outfall as established in the Permit.

Effluent discharge flow records viewed on-site for September 2021 and October 2021 did not document continuous flow measurements for Outfall 001. Effluent flow measurements were only recorded a maximum of 3 times per week in September 2021 and October 2021.

III. DOCUMENTING COMPLIANCE

Please submit documentation within 10 calendar days of receipt of this Notice that the violation(s) never occurred or comply with the conditions below.

1. Within 3 calendar days of receipt of this Notice, please submit documentation demonstrating that all sludge has been removed from Houston Creek. Documentation must include photographs of the clean-up activities and a written description of the clean-up activities.
2. Within 3 calendar days of receipt of this Notice, please submit documentation demonstrating that effluent discharge flow is being monitored continuously at Houston Creek Landing WWTP.
3. Within 7 calendar days of receipt of this Notice, please submit documentation demonstrating that a wastewater engineer has been contracted to evaluate the Houston Creek Landing WWTPs operational integrity.
4. Within 60 calendar days of receipt of this Notice, please submit a written wastewater engineering report which describes the operational integrity of Houston Creek Landing WWTP.

IV. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice by email to ortiz.isaiah@azdeq.gov or by mail to the following address:

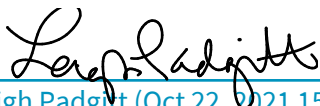
Arizona Department of Environmental Quality, Attention: Isaiah Ortiz, SWP Inspections & Compliance Enforcement Unit, 400 W Congress, STE 433, Tucson, AZ 85701 MC: 5415B-2

V. STATEMENT OF CONSEQUENCES

1. The time frames within this Notice for achieving and documenting compliance for the violation(s) alleged in the Notice are firm limits. Failure to achieve or document compliance for the violation(s) alleged in this Notice within the time frames established in this Notice may result in an administrative compliance order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames for achieving and documenting compliance for the violation(s) alleged in this Notice only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.
2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violation(s) alleged in Section I of this Notice as allowed by law.

VI. OFFER TO MEET

ADEQ is willing to meet regarding this Notice and can provide information on how to return to compliance. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact Isaiah Ortiz at (520) 628-6715.



Leigh Padgitt (Oct 22, 2021 15:25 PDT)

Leigh Padgitt, Manager
SWP Inspections & Compliance Enforcement
Unit



Isaiah Ortiz
SWP Inspections & Compliance
Enforcement Unit