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13 **THE SUPERIOR COURT OF THE STATE OF ARIZONA**
14 **FOR MARICOPA COUNTY**

15 STATE OF ARIZONA, *ex rel.* KAREN
16 PETERS, Director, Arizona Department of
17 Environmental Quality,

18 Plaintiff,

19 vs.

20 GINA'S GOLD CANYON GOLF
21 RESORT, LLC (an Arizona Limited
22 Liability Corporation);

23 A&G REAL ESTATE, LLC (an Arizona
24 Limited Liability Corporation); and,

25 ABEDON AND GINA SAIZ (Husband
26 and Wife),

Defendants.

Civil Action No. CV2023-008787

COMPLAINT

1 The Plaintiff, State of Arizona *ex rel.* Karen Peters, Director, Arizona Department of
2 Environmental Quality (“State” or “ADEQ”) alleges the following:

3 **NATURE OF THE ACTION**
4

5 1. The State brings this civil action under Title 49, Chapter 2, Article 2 of the Arizona
6 Revised Statutes (“A.R.S.”) and the rules adopted thereunder against Defendants Gina’s Gold
7 Canyon Golf Resort, LLC (“Gina’s”), A&G Real Estate LLC (“A&G”) and Abedon and Gina
8 Saiz, husband and wife (“Saizes”), and the corporate officers and members of Gina’s and A&G
9 in their individual capacity and marital community by virtue of their capacities as officers and
10 members of Gina’s and A&G (collectively “Defendants”) for violations of Arizona’s water
11 quality control laws.
12

13 2. The State seeks civil penalties not to exceed \$25,000.00 per day per violation pursuant
14 to A.R.S. § 49-262 for violations commencing on or about October 11, 2022, many of which
15 are ongoing.
16

17 **PARTIES**

18 3. The State’s relator, Karen Peters, is the Director of the Arizona Department of
19 Environmental Quality (“ADEQ” or the “Department”). The Department maintains its main
20 office at 1110 W. Washington St., Phoenix, Maricopa County, Arizona 85004.
21

22 4. Defendant Gina’s is an Arizona Limited Liability Corporation with its place of business
23 at 195 Olive Lane, Lake Havasu City, AZ 86403.

24 5. Defendant A&G is an Arizona Limited Liability Corporation with its place of business
25 at 195 Olive Lane, Lake Havasu City, AZ 86403.
26

1 6. Defendants Abedon and Gina Saiz (the "Saizes") are husband and wife and are members
2 of both Gina's and A&G and are believed to reside at 3890 Colt Drive, Lake Havasu City,
3 Arizona 86404.

4
5 7. Defendants are "Persons" as defined by A.R.S. § 49-201(27) and A.A.C. R18-9-101(33).

6 **GENERAL ALLEGATIONS AND BACKGROUND**

7 8. In accordance with A.R.S. §§ 49-241 through 252, the State of Arizona created an
8 Aquifer Protection Permit ("APP") program and promulgated rules for administering the APP
9 program embodied in Arizona Administrative Code ("A.A.C.") R18-9-101 through R18-9-
10 E323.

11
12 9. Upon information and belief, Defendants purchased Navajo County Parcel 206-27-001A
13 ("Real Property") on October 11, 2022.

14 10. The Real Property is located near 2276 Meadow Lane, Heber-Overgaard, AZ 85933.

15
16 11. Located on the Real Property is a wastewater treatment plant ("WWTP") that treats
17 domestic sewage from a nearby community of approximately 115 homes. These homes house
18 an estimated 100 persons year-around and over 300 persons during the summer months.

19 12. Wastewater treatment plants are sewage treatment facilities as defined in A.R.S. §49-
20 241(B)(9).

21
22 13. WWTPs are "Facilities" as defined in A.R.S. § 49-201(19).

23 14. Any person who discharges (as defined in A.R.S. § 49-201(12)) or who owns or
24 operates a Facility is required to possess an APP permit issued by ADEQ.

25 15. Defendants do not possess an APP permit issued by ADEQ for the WWTP Facility.
26

1 16. On May 25, 2023, ADEQ's Environmental Science Specialist Wendy Eikenberry
2 ("Eikenberry") inspected the Facility to determine its compliance with Arizona law. The results
3 of that inspection are contained in an Aquifer Protection Permit Field Inspection Report
4 ("Inspection Report") and are incorporated herein by reference. *See* Exhibit 1.
5

6 17. Ms. Eikenberry's observations included the following:

- 7 a. The WWTP is designed to treat domestic sewage and discharge the treated
8 effluent to a nearby pond.
- 9 b. The WWTP serves an estimated 115 households, some of which house
10 children.
- 11 c. During the inspection, one child was observed near one of the dwellings.
- 12 d. The inspection revealed that the Facility was discharging untreated sewage
13 which by its very nature contains suspected hazardous, toxic, or non-
14 hazardous materials.
- 15 e. Various portions of the treatment system were either not in use, non-
16 functional, or bypassed.
- 17 f. The pond which received the untreated sewage has significant algae growth,
18 was murky, and had an odor present.
- 19 g. The WWTP was in disrepair indicating it was not being properly maintained.
- 20 h. The required warning signage was insufficient.
- 21 i. The nearby lift station was unsecured and presented a fall hazard of
22 approximately 20 feet as well as presenting a potential fatal confined space or
23 hydrogen sulfide poisonous gas threat to any person who ventured into the lift
24 station.
25
26

- 1 j. None of the required sampling or monitoring was being performed.
2 Additionally, the required operation and maintenance manuals, emergency
3 plans, or operating procedures were not present as required.
4 k. There was no certified operator present who was directly responsible for the
5 operation of the WWTP.

6 **JURISDICTION AND VENUE**

7 18. A.R.S. § 49-262 authorizes the State to bring this action.

8 19. Arizona Constitution Article 6, §14 and A.R.S. § 12-123 and 49-262 grant the Court
9 subject matter jurisdiction over this matter.
10

11 20. During all the time periods alleged in this Complaint, Defendants conducted business
12 in Arizona and all of the violations alleged occurred in Arizona; therefore, this Court possesses
13 personal jurisdiction over the Defendants.

14 21. Venue is proper in Maricopa County under A.R.S. §§ 12-401(17) and 49-265.
15

16 **COUNT ONE**

17 **Discharge Without Either a General or Individual Aquifer Protection Permit in Violation
18 of A.R.S. § 49-241(A).**

19 22. The allegations in the foregoing Paragraphs are adopted herein and incorporated by
20 reference.

21 23. A.R.S. § 49-241(A) states: “[A]ny person who discharges or who owns or operates a
22 facility that discharges shall obtain an aquifer protection permit from the director.”

23 24. Defendants do not possess an aquifer protection permit for the WWTP.

24 25. During the inspection, Ms. Eikenberry observed that the WWTP was discharging raw
25 sewage to a nearby effluent storage pond.
26

1 26. Upon information and belief, the WWTP discharged untreated sewage for at least nine
2 (9) days from May 25 through June 2, 2023.

3 27. Upon information and belief, the WWTP re-commenced discharging untreated sewage
4 on June 7, 2023.

5
6 28. Any person who violates any provision of Title 49, Chapter, 2, Article 2 or the rules
7 adopted thereunder is liable for a civil penalty not to exceed \$25,000.00 per day per violation.
8 A.R.S. § 49-262(C).

9
10 **COUNT TWO**

11 **Owning a Categorical Discharging Facility without Either a General or Individual
12 Aquifer Protection Permit in Violation of A.R.S. § 49-241(A).**

13 29. The allegations in the foregoing Paragraphs are adopted herein and incorporated by
14 reference.

15 30. WWTPs are categorical discharging facilities under A.R.S. § 49-241(B).

16 31. Defendants have owned a categorical discharging facility since at least as early as
17 October 11, 2022.

18 32. Defendants have never possessed an ADEQ-issued general or individual aquifer
19 protection permit for the WWTP.

20 33. This violation has continued for at least 239 days and is ongoing.

21 34. Any person who violates any provision of Title 49, Chapter, 2, Article 2 or the rules
22 adopted thereunder is liable for a civil penalty not to exceed \$25,000.00 per day per violation.
23 See A.R.S. § 49-262(C).

1 **COUNT THREE**

2 **Operating a Categorical Discharging Facility without Either a General or Individual**
3 **Aquifer Protection Permit in Violation of A.R.S. § 49-241(A).**

4 35. The allegations in the foregoing Paragraphs are adopted herein and incorporated by
5 reference.

6 36. WWTPs are categorical discharging facilities under A.R.S. § 49-241(B).

7 37. Upon information and belief, Defendants have operated the WWTP since at least as
8 early as October 11, 2022 without possessing either general or individual APP issued by
9 ADEQ.

10 38. This violation has been ongoing since at least as early as October 11, 2022, or 239 days
11 and is ongoing.

12 39. Any person who violated any provision of Title 49, Chapter, 2, Article 2 or the rules
13 adopted thereunder is liable for a civil penalty not to exceed \$25,000.00 per day per violation.
14 A.R.S. § 49-262(C).

15 **COUNT FOUR**

16 **Failure to Have An Operator in Direct Responsible Charge Who is Certified for the Class**
17 **of the Facility at or Above the Grade of the Facility in Violation of A.A.C. R18-5-**
18 **104(A)(1).**

19 40. The allegations in the foregoing Paragraphs are adopted herein and incorporated by
20 reference.

21 41. The Defendants have no properly certified operator in charge of the Facility.

22 42. Upon information and belief, this failure commenced at least as early October 11, 2022
23 and has continued for at least 239 days and is ongoing.
24
25
26

1 43. Any person who violates any provision of Title 49, Chapter, 2, Article 2 or the rules
2 adopted thereunder is liable for a civil penalty not to exceed \$25,000.00 per day per violation.
3 A.R.S. § 49-262(C).
4

5 **COUNT FIVE**

6 **Failure to Design, Construct, or Operate a Sewage Collection System So That the Sewage**
7 **Collection System Prevents Releases of Sewage to the Land Surface in Violation of A.A.C.**
8 **R18-9-E301(B)(3).**

9 44. The allegations in the foregoing Paragraphs are adopted herein and incorporated by
10 reference.

11 45. During the inspection conducted on May 25, 2023, Ms. Eikenberry observed that the
12 WWTP was discharging raw sewage from a manhole cover to a nearby effluent storage pond.

13 46. "Sewage Collection Systems" are defined in A.A.C. R18-9-101(40) as "[A] system of
14 pipelines, conduits, manholes, pumping stations, force mains, and all other structures, devise,
15 and appurtances to at collect, contain, and convey sewage from its sources to the entry of a
16 sewage treatment facility"

17 47. Because raw sewage was being discharged from a manhole cover, Defendants violated
18 A.A.C. R18-9-E301(B)(3).
19

20 48. Any person who violates any provision of Title 49, Chapter, 2, Article 2 or the rules
21 adopted thereunder is liable for a civil penalty not to exceed \$25,000.00 per day per violation.
22 A.R.S. § 49-262(C).
23

24 **COUNT SIX**

25 **Abedon and Gina Saiz Are Individually Liable for the Failures of Gina's and A&G to**
26 **Comply With Arizona Law Under Arizona law and Under *Bestfoods*.**

1 49. The Defendants' knowing and willful disregard of their responsibilities under the law is
2 obvious. Moreover, the Saizes' role in deciding what actions Gina's and A&G have taken with
3 respect to complying with the requirements of the APP program were revealed in
4 correspondence from their attorneys. On May 15, 2023, undersigned counsel received a letter
5 from Defendants' attorneys which stated, *inter alia*,

7 "From the Saizes' perspective, retaining individuals to help them understand what
8 the WWTP does, who it serves, and what repairs/improvements are required,
9 necessarily preempts permit changes so they can determine what permitting the
WWTP needs." Exhibit 2, at p.2.

10 The Arizona APP statutes are strict liability public welfare statutes. There are no provisions that
11 allow owners or operators of Facilities to defer compliance until they understand what a
12 WWTP does, who it serves, or what repairs or improvements it needs.

14 50. Any person who violates any provision of Title 49, Chapter, 2, Article 2 or the rules
15 adopted thereunder is liable for a civil penalty not to exceed \$25,000.00 per day per violation.
16 A.R.S. § 49-262(C).

17 **PRAYER FOR RELIEF**

18 **WHEREFORE**, the State prays for the following relief pursuant to A.R.S. § 49-262:

20 A. Civil Penalties: Defendants Gina's, A&G, and Abedon and Gina Saiz pay a civil penalty
21 to ADEQ not to exceed twenty-five thousand dollars (\$25,000.00) per day for each violation
22 enumerated in Counts One through Six according to the following schedule

23 a. Count One comprising at least 10 days for a total of at least \$250,000.00;

24 b. Count Two for at least 239 days for a total of at least \$5,975,000.00;

- 1 c. Count Three for at least 239 days for a total of at least \$5,975,000.00;
2 d. Count Four for at least 239 days for a total of at least \$5,975,000.00;
3 e. Count Five for at least 16 days for a total of at least \$400,000.00; and,
4 f. Count Six finding that Abedon and Gina Saiz are individually liable for the above
5 prayed for civil penalties, and for the attorneys' fees and injunctive relief prayed
6 for below.
7

8 B. Attorneys' Fees: Defendants Gina's, A&G, and Abedon and Gina Saiz to pay for the
9 State's taxable costs and the costs of litigation pursuant to A.R.S. § 49-262(D).
10

11 C. Injunctive Relief: Defendants Gina's, A&G, and Abedon and Gina Saiz:

- 12 a. immediately cease discharging from the WWTP;
13 b. install either a vault and haul or temporary package WWTP plant to capture and
14 process sewage until they can install or repair a WWTP that meets the
15 requirements of Arizona Revised Statutes Title 49, Chapter 2, Article 2; and,
16 c. file an administratively complete APP application with ADEQ within 90 days.
17

18 D. Any other relief that the Court in its equitable powers deems appropriate,
19

20 **Dated** this 12th day of June, 2023

21 **KRISTIN MAYES**
22 Attorney General

23 /s/ Jeffrey Cantrell
24 Jeffrey Cantrell
25 Assistant Attorney General
26 Environmental Enforcement Section

VERIFICATION

STATE OF ARIZONA


County of Maricopa

1. I am Trevor Baggione and am the Director of the Arizona Department of Environmental Quality, Water Quality Division, and have been delegated the authority to verify Complaints by the Director of the Department.

2. I have read the foregoing Complaint, know the contents thereof, and that on my own knowledge and belief, the matters alleged herein are true, except for those matters alleged on information and belief, and as to those matters, I believe the Complaint to be true.

Pursuant to Arizona Rules of Civil Procedure 80(c), I certify that the foregoing is true, accurate, and complete. Executed on this 12th day of June 2023.

- DocuSigned by:

DocuSigned by:


~~7A7C293F922A4A2~~

Trevor Baggione, Director
Water Quality Division
Arizona Department of Environmental Quality

11303874v1

Exhibit 1



Katie Hobbs
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Karen Peters
Director

Aquifer Protection Permit Field Inspection Report

This checklist is provided as a tool for permit holders and ADEQ staff to have a consistent understanding of the major compliance expectations under this permit. This checklist is designed to be easy to read and follow. It is intended only to address the permit requirements that ADEQ feels are the most important to protect human health and the environment. This list does not include every permit condition and permit holders should ensure they understand the full requirements of their permit. This list does not supplant or supersede any legal requirement and is not binding on the permit holder or ADEQ staff.

Facility Name: Pine Meadows Country Club Place ID: 733	Inspection No: 424786 Inspection Date/Time: May 25, 2023 11:00AM												
Inventory/Permit #: 100213 Current LTF#: 33388	Inspector(s): Wendy Eikenberry												
Facility Address: near 2276 Meadow Lane – Navajo County parcel 206-27-001A City, State, Zip: Heber-Overgaard, AZ 85933 County: Navajo	Inspector Phone: 602-339-4876 Inspector Email: Eikenberry.Wendy@azdeq.gov												
Permittee/Responsible Party: A&G Real Estate, LLC Contact: Abedon and Gina Saiz Mailing Address: 3890 Colt Drive City, State, Zip: Lake Havasu City, AZ 86404 Phone: [RP Phone] Email: [RP Email]	WWTP Population Served: est. 115 connections – apx. 288 Treatment Plant Grade: 2 Collection System Grade: 1												
Operator/ID: [Operator/ID] Phone: [Operator Phone] Email: [Operator Email] Op. Cert. Grade(s): [Op. Cert. Grade] Op. Cert. Expiration: [Expiration Date]	Compliance Summary: <table border="0"> <tr> <td>Certified Operator:</td> <td><input type="checkbox"/> Yes</td> <td><input checked="" type="checkbox"/> No</td> <td><input type="checkbox"/> N/A</td> </tr> <tr> <td>Physical Facilities:</td> <td><input type="checkbox"/> Yes</td> <td><input checked="" type="checkbox"/> No</td> <td><input type="checkbox"/> N/A</td> </tr> <tr> <td>Monitoring and Reporting:</td> <td><input type="checkbox"/> Yes</td> <td><input checked="" type="checkbox"/> No</td> <td><input type="checkbox"/> N/A</td> </tr> </table>	Certified Operator:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Physical Facilities:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Monitoring and Reporting:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Certified Operator:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A										
Physical Facilities:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A										
Monitoring and Reporting:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A										
Results of Inspection: <input type="checkbox"/> No alleged deficiencies were noted during the course of the inspection. No ADEQ action will result from this inspection. <input type="checkbox"/> Alleged deficiencies were noted during the course of the inspection and all deficiencies were corrected by the close of business on the final day of inspection. No ADEQ action will result from this inspection. <input checked="" type="checkbox"/> Alleged deficiencies were noted during the course of the inspection. Additional correspondence regarding this inspection may be forthcoming. If applicable, ADEQ documents its initial determination that the alleged deficiencies are: <input checked="" type="checkbox"/> Committed intentionally. <input checked="" type="checkbox"/> Not correctable within a reasonable period of time as determined by the agency. <input checked="" type="checkbox"/> Evidence of a pattern of noncompliance as demonstrated by alleged deficiencies previously identified in an inspection report or other written notice at the same premises. <input checked="" type="checkbox"/> A significant risk to any person, the public health, safety or welfare or the environment.													
Inspection Report Issued: Via email from ADEQ office Facility Initial: ADEQ Initial: <i>WZ</i>													
General Notes: Arrived on-site on May 25, 2023 at 11:00AM and met with Pat Carpenter. Mr. Carpenter was contacted and was asked to open the gate to allow access to the facility. Mr. Carpenter stated that he would not be involved in the inspection because he is not the contracted operator of the facility. The NOIR was not signed. The inspection began with a walkthrough of the facility starting at the influent pump station and ending at the lift station north of the WWTP. The inspection concluded at 12:15PM.													

PHOTOGRAPHS TAKEN DURING INSPECTIONS ARE AVAILABLE IN THE PHOTO LOG

Requirements: C: Compliance, NC: Non-Compliance, P: Pending, N/A: Not Applicable

Documentation:	Requirement met?	Comments
Non-submittals or exceedances within the last six quarters of SMRF reporting.	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	<p>At the time of the File Review conducted on 05/29/2023 – the following alleged deficiencies were found.</p> <p>Missing data parameters: Daily flow monitoring – 10/31/21, 12/31/21 5 month rolling geomean, Total Nitrogen – 11/21 Fecal coliform sampling – 10/5-10/21, 10/15-18/21, 10/23-24/21, 10/29-31/21, 11/5-7/21, 11/12-14/21, 11/19-21/21, 11/26-28/21, 12/3-5/21, 12/10-12/21, 12/17-19/21, 12/24-26/21, 12/31/21.</p> <p>No data was submitted for Q1 2022, Q2 2022, Q3 2022, Q4 2022, or Q1 2023. Required data includes: -Submission of daily discharge flow, monthly average discharge flow, and 5 month rolling geomean of Total Nitrogen from three sampling points: the new treatment train, the blending tank, and the total discharge flow. -Sampling point for Reclaimed Class B flow compliance requires submission of data documenting daily flow to reuse, monthly average flow to reuse, and daily fecal coliform monitoring. The fecal coliform 4 of 7 compliance monitoring verification was also not submitted for the same time period. -Facility inspection of freeboard in the reuse pond, to be measured weekly, was not submitted. -A twice yearly sample from the blending tank analyzing 24 volatile and semi-volatile organic compounds is required, which was not submitted in 2022 for either 6-month sampling period.</p>
The required notifications provided for violation of any permit condition, discharge limit, or exceedance of an alert level.	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	Contingency reports documenting these missing submissions have not been submitted.
Increased the frequency of monitoring for parameters requiring accelerated monitoring.	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Accelerated monitoring for the missing parameters has not been assigned or completed.
SMRFs and monitoring requirements were discussed with the facility.	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	Person in charge of SMRF reporting: unknown. SMRFs have not been submitted since Q4 2021.
Facility has any outstanding or overdue compliance schedule items. (Section 3.0 in the permit)	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	Documentation of a sealed Engineer's Certificate of Completion for the construction of the new treatment train was due prior to discharge and within 90 days of completion of construction. Receipt was not able to be verified at the time of the inspection.
A copy of the current signed permit on-site.	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	A copy of the permit was not located on-site.
A copy of the operations and maintenance manual on-site.	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	O&M Manuals were not located on-site.
A copy of the approved contingency/emergency response plan on-site.	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	A copy of the contingency plan was not located on-site.

Unauthorized discharge of suspected hazardous, toxic, or non-hazardous materials. If so list corrective actions taken. (Section 2.6.5)	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	Unknown. There was no obvious source of substances other than untreated sewage being discharged at the time of inspection.
Facility Description and Operational Monitoring Requirements	Requirement met?	Comments
Log book of the inspections and measurements required by this permit updated and current.	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	<p>A proper operational logbook is not maintained at the facility. It is unknown exactly how long the facility has been without an operator in responsible charge. Some logbook entries were in the notebook located on-site, but they only had MM/DD entries and did not include the year.</p> <p>Required weekly facility inspections include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Pump integrity – good working condition <input type="checkbox"/> Berm integrity in effluent ponds – no visible structural damage, breach, or erosion of embankments <input type="checkbox"/> Freeboard in effluent ponds – minimum 3 feet <input type="checkbox"/> Treatment plant components – good working condition
Facility treatment processes match what is in the current permit.	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	<ul style="list-style-type: none"> <input type="checkbox"/> Train 1 – extended aeration package plant <input type="checkbox"/> Train 2 – extended aeration package plant <input type="checkbox"/> Clarifier (2) <input type="checkbox"/> Sand filter (2) <input type="checkbox"/> Chlorine disinfection (tablet) <input type="checkbox"/> Discharge to blending tank (when both trains are running) <input type="checkbox"/> Discharge to effluent storage pond (2) <p>All treatment train components are in place. Train #1 is currently not in use. The sand filters and the blending tank are not in use. Flow moves through the chlorinator, although there is no chlorine present. Effluent Pond #2 was empty, and it was not clear whether the pond had been in use at one time.</p>
Facility being maintained according to the Operations and Maintenance Manual.	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	The facility as a whole is not being maintained.
On-site flow meters properly maintained, calibrated or verified according to the O&M.	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	Flow meters were not located at the time of inspection.
Treatment plant components are in good working order (Individually listed below from Section 2.1 in permit).		
Train 1 – extended aeration package plant	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	This train is currently not in use, and was permitted to be used during the summer months to accommodate higher flows. There is a blower in place to provide aeration, but it is unknown if the blower is operational. There is currently some residual rainwater in the basins, and the inspector observed algae growth present. The inspector observed some new air line piping in place, which show an attempt to repair deficiencies and bring the train into service at one time.
Train 2 – extended aeration package plant	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	Influent flow comes into the aeration basin, which appears to have no beneficial biological population present to facilitate treatment. A blower is in place to provide some aeration and was observed to be operational at the time of inspection. The untreated influent flows directly through the basin, where a layer of sludge was observed. There was some odor observed near the basin. Significant rust on the basin covers and overall disrepair of the train was observed and documented.

Clarifier (2)	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	The clarifier in Train #1 was not in use. The clarifier in Train #2 was observed to be of similar water quality as the influent coming in. There was visible algae growth present around the basin and the weir.
Sand filter (2)	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	The sand filters were not operational at the time of inspection, and it is unknown whether the filters could be operational. Each treatment train utilizes two sand filters commonly seen in backyard swimming pool water filtration.
Chlorine disinfection (tablet)	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	There was no disinfection of effluent at the time of inspection. The tubes that hold the chlorine tablets in place in the chlorinator were lying on the ground outside of the unit. There was a thick layer of sludge in the chlorine contact basin, directly after flow leaves the tablet feeder. The effluent leaving the contact basin is very turbid and visibly appears to have the same quality as the untreated influent flow.
Blending tank	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	The blending tank was not operational at the time of inspection. The tank is meant to blend flow from the two treatment trains prior to discharge. There was no visible structural damage to the tank.
Effluent Storage Pond (2)	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	Effluent Storage Pond #1 is the current discharge location. There is significant algal growth present in the northeast section of the pond, and overall the water is murky. There was a slight odor observed along the north edge of the pond. Only one warning sign was observed, and the sign was weathered and difficult to read. The sign states "irrigated with reclaimed waste water, no swimming". Pond #2 was permitted to be a backup storage pond, and it was unclear if the pond was ever in use.
Effluent pond berm integrity: any visible structural damage, breach, or erosion of embankments.	<input type="checkbox"/> C <input type="checkbox"/> NC <input checked="" type="checkbox"/> P <input type="checkbox"/> N/A	There is no visible erosion or structural damage to the embankments of Pond #1. The berm integrity of Pond #2 could not be verified due to overgrowth of vegetation.
Freeboard in Effluent pond: Minimum 3 ft.	<input checked="" type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	There is a minimum of 3 feet of freeboard in the ponds.
Collection system components	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	A lift station was located approximately 700 feet northeast of the WWTP, directly behind the home located at 2245 Fairway Drive. The station is enclosed with a wood fence, approximately 6-7 feet tall, and the access gate was secured with a simple slide bolt that allowed public access. The access hatch was propped open with a piece of rebar for ease of opening. There was no fall protection in place. Children would be able to access the vault, exposing them to fall risks and the potential of hydrogen sulfide gas exposure. A young child was observed to be outside in the backyard of one of the homes on the south side of Fairway Drive, which are not fenced and have access to the golf cart path that still exists, leading directly to the unsecured lift station. The vault is estimated to be about 20 feet deep, with sufficient available freeboard at the time of inspection. A pump and backup are available, and at least one pump was observed to be operational. It is unknown whether other lift stations in the area contribute to the flow of the plant; other components were not located during the inspection.

Compliance Monitoring	Requirement met?	Comments
POC #1 – Drinking water well located adjacent to the WWTP – 55-616640 Loc: 34° 23' 38" N 110° 32' 30" W <ul style="list-style-type: none"> • Location verified? • Does the well appear to be in working order? 	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A <input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	Groundwater monitoring is not required. The referenced well is fenced and operated by Arizona Water Company.
Field Methods – Facility is using applicable on-site calibrations and quality assurance for BOD, T, pH, and turbidity?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	No known sampling is being performed at this time.
Facility has a written QA manual for all analysis done on-site.	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	No known sampling is being performed at this time.
ADHS approved methods used for all analyses.	<input type="checkbox"/> C <input checked="" type="checkbox"/> NC <input type="checkbox"/> P <input type="checkbox"/> N/A	No known sampling is being performed at this time.
Is the lab ADHS certified? What is the certification number and expiration date?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	No known sampling is being performed at this time.
Facility has a method detection limit study for lab methods?	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	No known sampling is being performed at this time.
Standard Operating Procedures (SOPs) for each method	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	No known sampling is being performed at this time.
On-site calibration and baseline reagents within expiration dates.	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	No known sampling is being performed at this time.
Facility has bench log sheets.	<input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A	No known sampling is being performed at this time.

ALLEGED DEFICIENCIES, RECOMMENDATIONS AND COMMENTS:

Alleged Deficiencies:

During the May 25, 2023 inspection, the ADEQ inspector identified that the responsible party (RP) is actively discharging untreated sewage from an on-site wastewater treatment facility without an Aquifer Protection Permit, which is required in Arizona Revised Statutes (A.R.S.) 49-241(B)(9) and Arizona Administrative Code (A.A.C.) R18-9-A309(A)(1). The ADEQ inspector observed influent actively coming into the wastewater treatment plant, and the effluent leaving the plant is not properly treated and is not being disinfected. The ADEQ inspector determined that the current owner of the property does not hold a valid Aquifer Protection Permit.

During the May 25, 2023 inspection, the ADEQ inspector identified that the RP failed to act immediately to correct any condition resulting from a discharge if that condition could pose an imminent and substantial endangerment to public health or the environment as required in A.R.S. 49-201(12) and Section 2.6.5 of Permit 33388. The ADEQ inspector observed discharge leaving the facility which had not been properly treated or disinfected. The discharge is being stored in an effluent storage pond, which was murky and observed to have substantial algae growth. There was some observable odor present at the northeast edge of the pond near the algal growth, and the pond is openly accessible to the public, with only one warning sign observed at the pond. Additionally, the RP failed to submit a written report for any unauthorized discharges under Sections 2.6.5.2 or 2.6.5.3 of the Permit within 30 days as required in Section 2.6.5.4 of the Permit.

During the May 25, 2023 inspection, the ADEQ inspector identified that the RP failed to operate and maintain the facility to meet Best Available Demonstrated Control Technology (BADCT) criteria as required in A.R.S. 49-243(B) and Section 2.2 of Permit 33388. According to the Permit, the new treatment train (Train #2) with denitrification is expected to be operated continuously throughout the year, with the option to operate the existing train (Train #1) during the busy summer months and to blend non-denitrified effluent from Train #1 with denitrified effluent from Train #2 as an approved alternative BADCT to meet standards. The ADEQ inspector observed no beneficial biological population present in Train #2 which would indicate proper treatment is taking place, and there was no observed denitrification or disinfection practices in place. There was no chlorine observed on-site or in the process, and effluent is actively being discharged without disinfection. Additionally, the treatment components were not being operated and maintained as designed to meet treatment performance criteria, as evidenced by the overall disrepair of the facility.

During the May 25, 2023 inspection, the ADEQ inspector observed that the RP failed to maintain at least one copy of the approved contingency and emergency response plan(s) at the location where day-to-day decisions regarding the operation of the facility are made, as required in R18-9-A204 and Section 2.6 of Permit 33388. Documentation of an existing contingency/emergency response plan was not located on-site at the time of inspection.

During the May 25, 2023 inspection, the ADEQ inspector observed that the RP failed to maintain monitoring equipment so that representative samples required by the permit can be collected, as required in Section 2.5.6 of Permit 33388. Flow meters at Train #1, Train #2, and the blending tank were not located at the time of inspection, and calibration/verification records for the meters were also not located.

During the May 25, 2023 inspection, the ADEQ inspector observed that the RP failed to apply for and receive a written amendment as required before deviating from any of the designs or operational practices authorized, as required in Section 6.9 of Permit 33388. Sewage is actively being discharged without treatment and disinfection as required, the sand filters are being bypassed, and the effluent pond contains untreated sewage.

During the May 25, 2023 inspection, the ADEQ inspector observed that the RP failed to conduct operational monitoring inspections and identify and repair damage to the pollution control structures outlined in Section 4.0, Table III as required under Section 2.5.2 of Permit 33388. Treatment plant components and pump integrity are not in good working condition, and there is no documentation of the required inspections in place. Inspections of the freeboard and berm integrity of the

effluent ponds are not documented. Additionally, the RP has not submitted the data required in Section 4.0, Table III since Q4 2021.

During the May 25, 2023 inspection, the ADEQ inspector observed that the RP failed to make a complete monitoring record for each measurement made as required in A.A.C. R18-9-A206(b)(2) and Section 2.7.2 of Permit 33388. Weekly inspections of effluent pond freeboard and berm integrity, as well as working condition of pumps and treatment plant components that are required in Section 4.0, Table III of the permit were not properly documented.

During the May 25, 2023 inspection, the ADEQ inspector observed that the RP failed to submit Self Monitoring Report Forms (SMRFs) as required in A.A.C. R18-9-A207(B) and Section 2.7 of Permit 33388. Weekly inspections of effluent pond freeboard and berm integrity, as well as working condition of pumps and treatment plant components that are required in Section 4.0, Table III of the permit were not properly documented and submitted for each quarter of 2022 and the first quarter of 2023. Additionally, sampling data was not collected and reported as required for each quarter of 2022 and the first quarter of 2023, and semiannual samples required in 2022 were not submitted for either monitoring period as required.

During the May 25, 2023 inspection, the ADEQ inspector observed that the RP failed to ensure that at all times it has an operator in direct responsible charge that is certified for the class of the facility as required in A.A.C. R18-5-104(A)(1). At the time of inspection, it was determined that there is no operator in direct responsible charge on record. Additionally, the RP failed to notify ADEQ within ten days of replacing a designated operator with another operator, as required in A.A.C. R18-5-104(B).

Recommendations:

None

Comments:

Historic Class B Reuse permit 14536 was issued June 24, 1997. No records were identified showing that an updated reuse permit has been issued. There is no evidence that the facility is currently utilizing the water for reuse purposes; should the facility choose this option in the future, a new permit will be required.



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

NOTICE OF INSPECTION RIGHTS

FACILITY INFORMATION	ADEQ INFORMATION
Facility Name (Customer): Pine Meadows Country Club	Inspection Date: 5/25/2023
Facility Location (Place): near 2276 Meadow Lane – Navajo County parcel 206-27-001A	Inspection Time: 11:00AM
Heber-Overgaard, AZ 85933	County: Navajo
Mailing Address: 3890 Colt Drive	Inspector: Wendy Eikenberry
Lake Havasu City, AZ 86404	Telephone: 602-339-4876
Responsible Party: A&G Real Estate, LLC	Accompanied by: Xan McMacken
On-Site Representative: [On-Site Representative]	
Telephone: [RP Phone]	ADEQ Follow-up Contact: Tim Pippenger
Title: [RP Title]	Title: Unit Manager
E-mail: [RP Email]	Telephone: 602-370-7358

The ADEQ representative(s) identified above were present at the above address on the above listed date and time. Upon entry to the premises, the ADEQ representative(s) met with me, presented photo identification indicating that they are ADEQ employees and explained:

☒ That the purpose of the inspection is to determine:

- ☒ Compliance with Title 49 of the Arizona Revised Statutes, Title 18 of the Arizona Administrative Code* and/or:
Arizona Revised Statutes: Title 49, Chapter 2 et seq, Article _____.
Arizona Administrative Code: Title 18, Chapter 9 et seq, Article _____.
Permit/Agreement Number: APP Permit #100213, LTF #33388.

☐ Qualification for a license issued pursuant to:

Arizona Revised Statutes: Title 49, Chapter 2, Article _____.
Arizona Administrative Code: Title 18, Chapter 5, Article _____.

☒ That this inspection is conducted pursuant to the authority granted in Arizona Revised Statutes § 49-104(B)(8) and/or:

Arizona Revised Statutes: § 41-1009, 49-203(B)(1).
Arizona Administrative Code: R18-9-110.
Permit/Agreement Number: APP Permit #100213, LTF#33388.

- ☒ That the state shall not be barred by the statutes of limitations of actions, according to A.R.S. § 12-510, except as provided in A.R.S. § 12-529 concerning certain claims based on navigability of watercourses. According to 28 U.S.C. § 2462, the U.S. government must commence an action within 5 years after the date the claim first accrued.
- ☒ The applicability of the Small Business Bill of Rights pursuant to Arizona Revised Statutes § 41-1001(21).
- ☒ That the fee for this inspection is: \$0.00.

*The Arizona Revised Statutes (A.R.S.) can be found on the internet: www.azleg.state.az.us/ArizonaRevisedStatutes.asp while the Arizona Administrative Code (A.A.C.) can be found at www.azsosaz.gov/public_services/Table_of_Contents.htm.

While I have the right to refuse to sign this form, the ADEQ representatives may still proceed with the inspection.

- ☐ I have read this notice and discussed any questions or concerns with the ADEQ representatives and I have received the Small Business Bill of Rights.

Signature of Regulated Person or Authorized On-Site Representative

Date

- ☐ The regulated person or authorized on-site representative refused to sign.

Name of Regulated Person or Authorized On-Site Representative

Title

- ☒ The regulated person or authorized on-site representative was not present at the facility.

Wendy Eikenberry
Signature of ADEQ Representative

05/25/2023

Date

INSPECTION RIGHTS

- ☒ I understand that I can accompany the ADEQ representative(s) on the premises, except during confidential interviews.
- ☒ I understand that I have right, on request, to:
 - Copies of any original documents taken during the inspection, and that ADEQ will provide copies of those documents at ADEQ's expense;
 - A split of any samples taken during the inspection, if the split of the samples would not prohibit an analysis from being conducted or render an analysis inconclusive;
 - Copies of any analysis performed on samples taken during the inspection and that ADEQ would provide copies of this analysis at ADEQ's expense;
 - Copies of any documents to be relied on to determine compliance with licensure or regulatory requirements if the agency is otherwise permitted by law to do so.
- ☒ I also understand that:
 - Each person who is interviewed by an ADEQ inspector during the inspection must be informed that:
 - (1) participation in an interview is voluntary, unless legally compelled to participate;
 - (2) they have the right to have an attorney or other experts in their field present during the interview to represent or advise the regulated person;
 - (3) the ADEQ inspector may not take any adverse action or treat less favorably or draw any inference as a result of the regulated person's decision to be represented by an attorney or advised by any other experts in their field;
 - (4) statements made by the person may be included in the inspection report; and
 - (5) they have the right to 24 hours to review and revise any written witness statements drafted by the ADEQ inspector on which the ADEQ inspector requests that person's signature.
 - If the information and documents provided to the ADEQ inspector become a public record, trade secrets and proprietary and confidential information may be redacted, unless the information and documents are not confidential pursuant to statute.
 - Each person interviewed during the inspection must be informed that statements made by the person may be included in the inspection report;
 - Each person whose conversation is recorded during the inspection must be informed that the conversation is being tape recorded;
 - If an administrative order is issued or a permit decision is made based on the results of the inspection, I have the right to appeal that administrative order or permit decision. I understand that my administrative hearing rights are set forth in Arizona Revised Statutes § 41-1092 *et seq.* and my rights relating to an appeal of a final agency decision are found in Arizona Revised Statutes § 12-901 *et seq.*;
 - If I have any questions or concerns about this inspection, I may contact the person listed as the ADEQ Follow-up Contact on the front of this form; ADEQ's Ombudsman at (602) 771-4322 (toll free inside Arizona at (800) 234-5677, extension 7714322); or the Arizona Ombudsman-Citizens' Aid office at (602) 277-7292 (toll free at (800) 872-2879);
 - If I have any questions concerning my rights to appeal an administrative order or permit decision, I may contact ADEQ's Administrative Counsel Edwin Slade at (602) 771-2242 (toll free inside Arizona at (800) 234-5677, extension 7712242).

Arizona Revised Statutes: Small Business Bill of Rights

41-1001.01. Regulatory bill of rights; small businesses

A. To ensure fair and open regulation by state agencies, a person:

1. Is eligible for reimbursement of fees and other expenses if the person prevails by adjudication on the merits against an agency in a court proceeding regarding an agency decision as provided in section 12-348.
2. Is eligible for reimbursement of the person's costs and fees if the person prevails against any agency in an administrative hearing as provided in section 41-1007.
3. Is entitled to have an agency not charge the person a fee unless the fee for the specific activity is expressly authorized as provided in section 41-1008.
4. Is entitled to receive the information and notice regarding inspections and audits prescribed in section 41-1009.
5. May review the full text or summary of all rulemaking activity, the summary of substantive policy statements and the full text of executive orders in the register as provided in article 2 of this chapter.
6. May participate in the rulemaking process as provided in articles 3, 4, 4.1 and 5 of this chapter, including:
 - (a) Providing written comments or testimony on proposed rules to an agency as provided in section 41-1023 and having the agency adequately address those comments as provided in section 41-1052, subsection D, including comments or testimony concerning the information contained in the economic, small business and consumer impact statement.
 - (b) Filing an early review petition with the governor's regulatory review council as provided in article 5 of this chapter.
 - (c) Providing written comments or testimony on rules to the governor's regulatory review council during the mandatory sixty-day comment period as provided in article 5 of this chapter.
7. Is entitled to have an agency not base a licensing decision in whole or in part on licensing conditions or requirements that are not specifically authorized by statute, rule or state tribal gaming compact as provided in section 41-1030, subsection B.
8. Is entitled to have an agency not make a rule under a specific grant of rulemaking authority that exceeds the subject matter areas listed in the specific statute or not make a rule under a general grant of rulemaking authority to supplement a more specific grant of rulemaking authority as provided in section 41-1030, subsection C.
9. May allege that an existing agency practice or substantive policy statement constitutes a rule and have that agency practice or substantive policy statement declared void because the practice or substantive policy statement constitutes a rule as provided in section 41-1033.
10. May file a complaint with the administrative rules oversight committee concerning:
 - (a) A rule's, practice's or substantive policy statement's lack of conformity with statute or legislative intent as provided in section 41-1047.
 - (b) An existing statute, rule, practice alleged to constitute a rule or substantive policy statement that is alleged to be duplicative or onerous as provided in section 41-1048.
11. May have the person's administrative hearing on contested cases and appealable agency actions heard by an independent administrative law judge as provided in articles 6 and 10 of this chapter.
12. May have administrative hearings governed by uniform administrative appeal procedures as provided in articles 6 and 10 of this chapter and may appeal a final administrative decision by filing a notice of appeal pursuant to title 12, chapter 7, article 6.
13. May have an agency approve or deny the person's license application within a predetermined period of time as provided in article 7.1 of this chapter.
14. Is entitled to receive written notice from an agency on denial of a license application:
 - (a) That justifies the denial with references to the statutes or rules on which the denial is based as provided in section 41-1076.
 - (b) That explains the applicant's right to appeal the denial as provided in section 41-1076.

15. Is entitled to receive information regarding the license application process before or at the time the person obtains an application for a license as provided in sections 41-1001.02 and 41-1079.
 16. May receive public notice and participate in the adoption or amendment of agreements to delegate agency functions, powers or duties to political subdivisions as provided in section 41-1026.01 and article 8 of this chapter.
 17. May inspect all rules and substantive policy statements of an agency, including a directory of documents, in the office of the agency director as provided in section 41-1091.
 18. May file a complaint with the office of the ombudsman-citizens aide to investigate administrative acts of agencies as provided in chapter 8, article 5 of this title.
 19. Unless specifically authorized by statute, may expect state agencies to avoid duplication of other laws that do not enhance regulatory clarity and to avoid dual permitting to the extent practicable as prescribed in section 41-1002.
 20. May have the person's administrative hearing on contested cases pursuant to title 23, chapter 2 or 4 heard by an independent administrative law judge as prescribed by title 23, chapter 2 or 4.
- B. The enumeration of the rights listed in subsection A of this section does not grant any additional rights that are not prescribed in the sections referenced in subsection A of this section.
- C. Each state agency that conducts audits, inspections or other regulatory enforcement actions pursuant to section 41-1009 shall create and clearly post on the agency's website a small business bill of rights. The agency shall create the small business bill of rights by selecting the applicable rights prescribed in this section and section 41-1009 and any other agency-specific statutes and rules. At the request of an authorized on-site representative of the regulated small business, the agency shall provide a written document of the small business bill of rights. In addition to the rights listed in this section and section 41-1009, the agency notice of the small business bill of rights shall include the process by which a small business may file a complaint with the agency employees who are designated to assist members of the public or regulated community pursuant to section 41-1006. The notice must provide the contact information of the agency's designated employees. The agency notice must also state that if the regulated person has already made a reasonable effort with the agency to resolve the problem and still has not been successful, the regulated person may contact the office of ombudsman-citizens aide.

ADEQ Groundwater Inspection Photo Log

Date of Inspection: May 25, 2023

Facility Information

Facility Name: Pine Meadows Country Club WWTP

Facility Location: Heber-Overgaard, AZ

Place ID: 733

Key Inspectors

Lead Inspector: Wendy Eikenberry

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 1

Overall view of the WWTP. A chain link fence topped with barbed wire surrounds the plant.



Photo 2

View of the plant influent and sludge holding tank.



Photo 3

Overall view of Train #2.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 4

View of the aeration basin at Train #2. The blower was on at the time of inspection, and influent was actively coming into the basin.



Photo 5

View of the electrical and blower units at Train #2.



Photo 6

View of the clarifier at Train #2.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 7

Closer view of the clarifier trough at Train #2.



Photo 8

Closer view of the weir of the clarifier at Train #2.



Photo 9

Alternate view of the weir of the clarifier at Train #2.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 10

Alternate view of the basin at Train #2.



Photo 11

View of the basin at Train #2. A layer of sludge was visible, and the basin covers are rusting and deteriorating.



Photo 12

Alternate view of the rust damaging the basin covers of Train #2.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 13

View of the extra basin covers at Train #2.

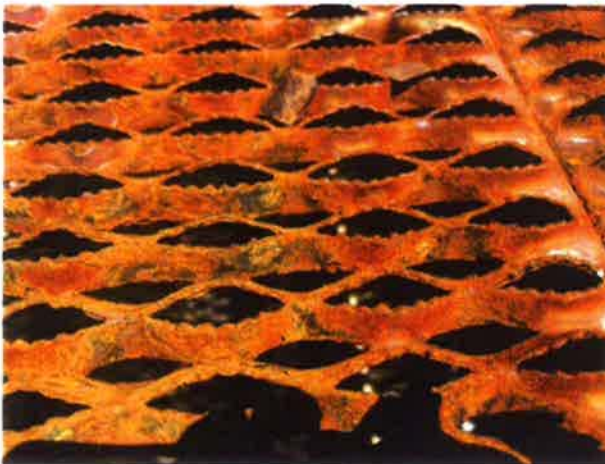


Photo 14

Closer view of one of the basin covers.



Photo 15

View along the outside edge of the chlorinator inside the chlorine contact basin.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 16

View of the chlorine contact basin. There is a thick layer of sludge present, and there was no chlorine tablets in the chlorinator.



Photo 17

View inside the chlorinator.



Photo 18

Alternate view of the chlorine contact basin, with the effluent point visible.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 19

View of the chlorine tablet feeders that are lying on the ground outside of the unit.



Photo 20

View of the effluent discharge point.



Photo 21

View of the sludge layer that is present in the chlorine contact basin.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 22

View of the building housing the sand filters associated with Train #2.



Photo 23

View inside the Train #2 sand filter building.

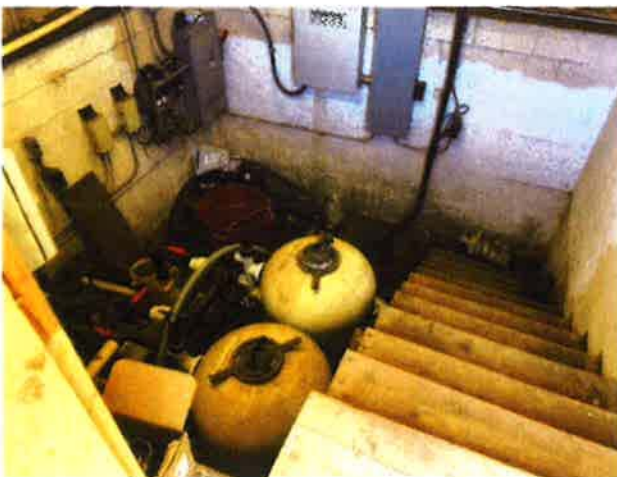


Photo 24

View of the Train #2 sand filters.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 25

Overall view of Train #1.



Photo 26

Alternate view of Train #1, with Train #2 visible in the background.



Photo 27

View inside the aeration basin of Train #1. Algae is visible, and there was some residual rainwater in the basin.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 28

Overall view of the aeration basin at Train #1.



Photo 29

Alternate view inside the aeration basin at Train #1.



Photo 30

View of the clarifier at the west end of Train #1.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 31

View of the sand filters at Train #1.



Photo 32

View of the blending tank between the trains.



Photo 33

View of the generator and associated propane gas tank. It is unknown if the generator is functional.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 34

Example of some logbook/operational notes that were located on-site. The dates are only MM/DD, and there is no year written.

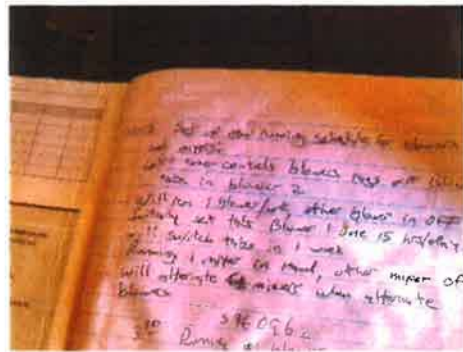


Photo 35

Logbook entry dated November 10, 2018 noting blower and mixer schedules.

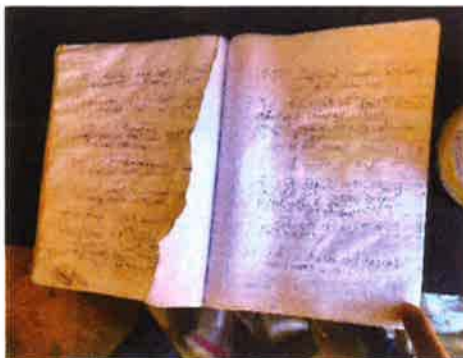


Photo 36

Example of the operational logbook that was located on-site. Dates are inconsistent, ranging from weekly to nearly three months apart. A page of the logbook has been torn out. It appears the previous operator was documenting visits in 2022.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

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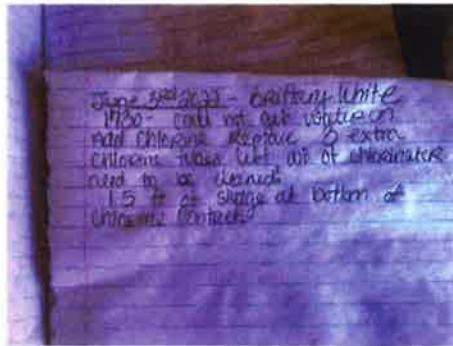


Photo 37

Documentation of a third party visit in June 2022, which measured a 1.5 foot deep layer of sludge in the chlorine contact basin. The operator added chlorine to the chlorinator at that time.



Photo 38

View of the pump shed outside the effluent pond.



Photo 39

View of piping from the reuse pond to the pump shed.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023

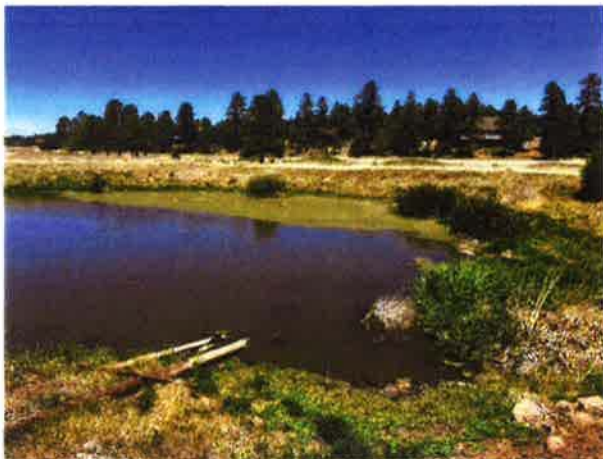


Photo 40

Overall view of the northeast end of the effluent pond.



Photo 41

Alternate view of the northeast end of the effluent pond. Discharge pipes are visible; one appears to be effluent, and the other may be storm drainage.



Photo 42

Closer view of the discharge pipe.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 43

View of a separate discharge pipe at the northeast end of the effluent pond.



Photo 44

Closer view of the northeast side of the effluent pond.



Photo 45

Alternate view of the northeast side of the effluent pond, facing west.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 46

View of the effluent pond, facing southwest.



Photo 47

View of a valve on the north side of the effluent pond.



Photo 48

View of a pump on the north side of the effluent pond.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 49

View of the pump shed on the north side of the effluent pond.



Photo 50

View of the effluent pond, facing northeast.



Photo 51

View of the effluent pond, facing northwest.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 52

View of the west end of the effluent pond.



Photo 53

Alternate view of the west end of the effluent pond. Piping is visible.



Photo 54

View of the effluent pond, facing east.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 55

Closer view of a sign present at the west end of the effluent pond.



Photo 56

View of the northwest corner of the effluent pond. Piping is visible.



Photo 57

Alternate view of piping at the northwest corner of the effluent pond.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 58

View of a lift station, located about 700 feet north of the WWTP.



Photo 59

View of the access gate at the lift station. The gate is not locked and is only secured by a slide bolt.



Photo 60

View of the vault at the lift station. A piece of rebar was wedged under the hatch for ease of opening.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 61

Alternate view of the vault at the lift station.



Photo 62

View inside the vault at the lift station. No fall protection was in place.



Photo 63

View of the hatch of the vault at the lift station.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 64

Alternate view inside the hatch of the vault at the lift station.



Photo 65

Closer view at the water line in the vault at the lift station.



Photo 66

Closer view of the water level in the vault at the lift station.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 67

Alternate view inside the vault at the lift station.



Photo 68

Overall view of the controls at the lift station.



Photo 69

View of the meter at the lift station. A pump was audibly heard to be running, although the meter was reading zero at the time the photo was taken.

Pine Meadows Country Club WWTP - Heber-Overgaard, AZ

Place ID: 733

Date: May 25, 2023



Photo 70

View of the pump controls at the lift station. Pump #2 was in automatic mode, and Pump #1 was off at the time of inspection. An alarm light was present, but was not lit.



Photo 71

View of the location of Effluent Pond #2. The pond was dry at the time of inspection, and some piping was in place. Sections of PVC were littered on the ground.



Photo 72

View of electrical controls and piping in place on the east side of Effluent Pond #2. The site was not easily accessible.

Exhibit 2

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May 15, 2023

VIA E-Mail Only

Jeffrey Cantrell
Assistant Attorney General
Environmental Enforcement Section
Arizona Attorney General
2005 N. Central Ave.
Phoenix, AZ 85004

Re: Abedon & Gina Saiz; A&G Real Estate LLC
Wastewater Treatment Plant at 2209 Country Club Dr., Overgaard, AZ

Dear Mr. Cantrell:

My Firm represents Abedon and Gina Saiz and some of their entities (collectively, the "Saizes") in connection with the wastewater treatment plant located at 2209 Country Club Dr., Overgaard, AZ (the "WWTP"). We are in receipt of your May 2, 2023 email to James Cool and Philip Rupprecht, the Saizes' other counsel, inquiring as to the permitting and operation of the WWTP.

As you may know, the Saizes obtained the WWTP through a foreclosure process which did not provide them with operational reports or inspection records concerning the WWTP. The Saizes, who do not have a background in wastewater treatment plant operations, have diligently retained counsel and water experts to better understand and operate the WWTP in accordance with relevant laws, regulations, etc.

The Saizes, through our Firm, retained a consulting engineer to assist with the WWTP's compliance and permitting. In addition, the Saizes, through our Firm, are negotiating an agreement with a local wastewater treatment plant operator to operate and, depending on the results of a thorough assessment, make various repairs/improvements to the WWTP. This agreement is expected to be finalized in the coming days.

We understand through the environmental consultant that, as of the date of this letter, the WWTP is functioning without significant issues. As described above, the Saizes are retaining experts who can deal with issues that may arise at the WWTP, and are retaining a replacement operator as quickly as possible.

Jeffrey Cantrell

May 15, 2023

Page 2 of 2

From the Saizes' perspective, retaining individuals to help them understand what the WWTP does, who it serves, and what repairs/improvements are required, necessarily preempts permit changes so they can determine what permitting the WWTP needs. In any event, we are beginning the permitting process and look forward to working with ADEQ on that process in the coming weeks.

If you have any further questions regarding the WWTP, please reach out to my office and we can schedule a time to discuss.

This correspondence is made with an express reservation of rights, and no statement made herein shall constitute or be construed as an admission or waiver of any legal or equitable claim or defense otherwise held by the Saizes.

Sincerely,

MAY POTENZA BARAN & GILLESPIE, PC

A handwritten signature in cursive script, appearing to read "Julia Kolsrud".

Julia M. Kolsrud, Esq.

JMK/af

cc: Trevor J. Wainfeld
James Cool
Philip Rupprecht