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12 *Attorneys for Plaintiff*

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

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

19 Plaintiff,

20 vs.

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

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

26 ABEDON AND GINA SAIZ (Husband  
and Wife),

Defendants.

Civil Action No. CV2023-008787

**APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND  
PETITION TO SHOW CAUSE  
REGARDING APPLICATION FOR  
PRELIMINARY INJUNCTION AND  
MEMORANDUM IN SUPPORT  
THEREOF**

1 Plaintiff State of Arizona *ex rel.* Karen Peters, Director, Arizona Department of  
2 Environmental Quality (the “State” or “ADEQ”), by and through counsel undersigned and  
3 pursuant to A.R.S. §§ 49-262 and 49-812 and Rules 7.3(a) and 65, Ariz. R. Civ. P., asks this  
4 Court to issue a Temporary Restraining Order and enter an Order to Show Cause why this  
5 Court should not issue a preliminary injunction and a permanent injunction against Defendants  
6 for illegally dumping raw sewage into a pond within a residential community.

7 **ADEQ specifically requests** this Court to issue a Temporary Restraining Order  
8 prohibiting Defendants, their employees, agents, servants, officers, directors, and attorneys, and  
9 any other persons in active concert or participation with them, from all of the following:

10 1. Operating their wastewater treatment plant (“WWTP”) located on Navajo County  
11 Parcel 206-27-001A without a permit;

12 2. Discharging untreated sewage from the WWTP to the surface of the land nearby;  
13 and

14 3. Discharging untreated sewage from the sewage collection system, any lift  
15 stations, or other associated facilities.

16 **ADEQ also specifically requests** this Court to issue an Order to the Defendants  
17 compelling them to:

18 1. Clean and disinfect those areas impacted by the discharge of raw sewage  
19 (“Sanitary Sewer Overflow” or “SSO”) and perform repairs to the WWTP and sewage  
20 collection system necessary to prevent future SSOs;

21 2. Within 24 hours of the issuance of the Order, install a vaulting and hauling  
22 system OR install a temporary package WWTP to be used until the Facility is fully repaired  
23 and can meet discharge limits stated in the Facility’s prior permit. This vault and haul or  
24 temporary package WWTP shall remain in service until Defendants install new or repair the  
25  
26

1 existing WWTP to the degree necessary to ensure the Facility complies with the discharge  
2 limits contained in the previous permit and receive a final APP from ADEQ;

3 3. Within seven (7) days of this Court's Order, hire a certified operator for the  
4 WWTP who possesses the proper certification for that type of WWTP; and

5 4. Within 90 days of this Court's Order, file an administratively complete  
6 application for an Aquifer Protection Permit as required under A.R.S. Title 49, Chapter 2,  
7 Article 2.

8 This Application for Temporary Restraining Order, and for Order to Show Cause is  
9 based on ADEQ's Verified Complaint, the following Memorandum of Points and Authorities,  
10 and the argument of counsel.

11 RESPECTFULLY SUBMITTED this 12th day of June, 2023.

12 **KRISTIN MAYES**  
13 Attorney General

14 /s/ Jeffrey Cantrell  
15 Jeffrey Cantrell  
16 Assistant Attorney General  
17 Environmental Enforcement Section  
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## I. INTRODUCTION AND PROCEDURAL HISTORY

1. On May 25, 2023, Wendy Eikenberry, an ADEQ Groundwater Protection Unit Environmental Science Specialist II, inspected a WWTP located on Navajo County Parcel 206-27-01A. *See* Affidavit of Wendy Eikenberry, attached hereto as Exhibit A.

2. ADEQ's observations from the inspection include:

a. The WWTP is designed to treat domestic sewage and discharge the treated effluent to a nearby pond.

b. The WWTP serves an estimated 115 households, some of which house children.

c. During the inspection, one child was observed near one of the dwellings.

d. The inspection revealed that the facility was discharging untreated sewage which by its very nature contains suspected hazardous, toxic, or non-hazardous materials.

e. Various portions of the treatment system were either not in use, non-functional, or bypassed.

f. The pond that received the untreated sewage has significant algae growth, was murky, and had an odor present.

g. The WWTP was in disrepair indicating it was not being properly maintained.

h. The required warning signage was insufficient.

i. The nearby lift station was unsecured and presented both a fall hazard of approximately 20 feet and a potential fatal confined space or hydrogen sulfide poisonous gas threat to any person who ventured into the lift station.



j. None of the required sampling or monitoring was being performed. Additionally, the required operation and maintenance manuals, emergency plans, or operating procedures were not present as required.

k. There was no certified operator present who was directly responsible for the operation of the WWTP.

These observations indicated that the WWTP poses an ongoing significant risk to public health, safety, and welfare and to the environment.

## **II. STATEMENT OF FACTS**

3. Defendants Gina's Gold Canyon Golf Resort, LLC ("Gina's"), A&G Real Estate LLC ("A&G"), and Abedon and Gina Saiz, husband and wife, ("Saizes") (collectively "Defendants") own and operate a wastewater treatment plant ("WWTP") located on Navajo County Parcel 206-27-001A near 2276 Meadow Lane, Heber-Overgaard, AZ 85933. *See* Aquifer Protection Permit Inspection Report (Inspection No. 424786) dated May 25, 2023, attached hereto as Exhibit B.

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

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

6. The WWTP treats domestic sewage from approximately 115 homes, some of which house children. *See* Exhibit A, at ¶11.

7. Defendants have no APP to discharge, or own, or operate the WWTP. *Id.* at ¶10.

8. Defendants have no properly certified operator of the WWTP. *Id.* at ¶14

9. On June 1, 2023, undersigned counsel for ADEQ received an unsolicited email from the President of the Homeowners Association whose residents rely on the WWTP stating that they "are in desperate need of help" because the WWTP is not being properly operated or maintained. Exhibit C.

1           10. This email disclosed that there was raw sewage being discharged from a nearby  
2 manhole cover. These discharges are called sanitary sewer overflows (“SSO”). *Id.*

3           11. Undersigned counsel for ADEQ also received an email on June 2, 2023 from Mr.  
4 Steve Feola, an attorney who represents some local interested persons, which recapped recent  
5 events at the WWTP. *See Exhibit D.* The events related include:

6           a. The red warning light illuminated at the lift station indicated an equipment  
7 failure;

8           b. During the weekend of May 27-29, 2023, one of the homeowners reported that  
9 raw sewage was pouring out of a manhole cover directly behind his house. This  
10 flow stopped by June 2, 2023.

11           c. A local certified operator reported that the “lift pump” needed immediate  
12 replacement and that the “grinder pump” should be replaced as well.

13           12. Undersigned counsel received an additional email from the Homeowners  
14 Association President on June 6, 2023 expressing that there was an additional SSO  
15 commencing on June 6, 2023. *Exhibit E.*

16           13. This problem has been ongoing and is not being corrected. *See Exhibit F.*

17           14. The Defendants’ knowing and willful disregard of their responsibilities under the  
18 law are obvious. On May 15, 2023, undersigned counsel received a letter from Defendants’  
19 attorneys which stated, *inter alia*,

20           “From the Saizes’ perspective, retaining individuals to help them understand what  
21 the WWTP does, who it serves, and what repairs/improvements are required,  
22 necessarily preempts permit changes so they can determine what permitting the  
WWTP needs.” *Exhibit G, p.2.*

23 The Arizona APP statutes are strict liability public welfare statutes. There are no provisions that  
24 permit owners or operators of Facilities to defer compliance until they understand what a  
25 WWTP does, who it serves, or what repairs or improvements that Facility needs.  
26

1 **III. ARGUMENT**

2 Defendants are knowingly and intentionally discharging raw sewage to the land without  
3 an ADEQ-issued aquifer protection permit to regulate those discharges. Such unpermitted  
4 discharges present a severe and immediate threat to human health and the environment and are  
5 therefore prohibited by A.R.S. § 49-241(A). In such cases, ADEQ is expressly authorized to  
6 “request a temporary restraining order, a preliminary injunction, a permanent injunction or any  
7 other relief necessary to protect the public health ...” A.R.S. § 49-262. Because Defendants  
8 own or operate a WWTP that is discharging sewage without an aquifer protection permit issued  
9 by ADEQ, Defendants are in violation of Arizona law and are legally subject to injunctive  
10 relief, including the temporary restraining order and preliminary injunction sought here.  
11

12  
13 With respect to injunctive relief, the Supreme Court of Arizona has held that statutes like  
14 A.R.S. §49-262 are designed to make it easier for the State to obtain injunctive relief against  
15 specific illegal acts. “Where a state agency has been authorized to institute proceedings in  
16 equity to prevent and restrain specified violations of the law, irreparable injury need not be  
17 shown.” *Arizona State Board of Dental Examiners v. Hyder*. 114 Ariz. 544, 546 (1977) (*en*  
18 *banc*). “Harm is conclusively presumed from the legislative declaration.” *Id.*  
19

20 Even though harm is statutorily presumed, to obtain injunctive relief ADEQ still must  
21 show (1) a strong likelihood of success on the merits, (2) that the balance of hardships favors  
22 ADEQ, and (3) that injunctive relief promotes public policy. *See Smith v. Arizona Citizens*  
23 *Clean Elections Comm’n*, 212 Ariz. 407, 410 (2006); *Shoen v. Shoen*, 167 Ariz. 58, 63 (App.  
24 1990). ADEQ can satisfy all parts of this test.  
25  
26

1 It is undisputed that Defendants are knowingly and intentionally discharging untreated  
2 sewage to the environment in violation of Arizona law, causing a significant public health  
3 danger. Moreover, Defendants have continued to knowingly and intentionally discharge  
4 untreated sewage even after receiving notice of ADEQ's inspection and subsequent discovery  
5 of numerous violations of Arizona law. Thus, ADEQ has shown a strong likelihood of success  
6 on the merits.  
7

8 Given the environmental harm caused by Defendants' continued discharge of raw  
9 sewage, coupled with the danger of serious bodily injury or death posed by the unsecured state  
10 of the WWTP and lift station, public policy favors injunctive relief to eradicate the threat. In  
11 addition, when Defendants chose to purchase the property where the WWTP is located, they  
12 assumed sole control of the WWTP and are therefore the proper parties to hold accountable for  
13 its lawful operation. Finally, Defendants can readily install a vaulting and hauling system or  
14 purchase a temporary package WWTP to ensure public safety while they make necessary  
15 repairs to the WWTP, hire a qualified operator for the WWTP, and obtain a permit from  
16 ADEQ. Balancing the danger of human health and the environment with the burden on  
17 Defendants to lawfully operate the WWTP located on property that they voluntarily purchased,  
18 the balance of hardships favors the State.  
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1 For all these reasons, ADEQ asks this Court to issue an injunction against Defendants  
2 pursuant to A.R.S. § 49-262(A).

3 **RESPECTFULLY SUBMITTED** this 12th day of June, 2023.  
4

5 **KRISTIN MAYES**  
6 Attorney General

7 /s/ Jeffrey Cantrell  
8 Jeffrey Cantrell  
9 Assistant Attorney General  
10 Environmental Enforcement Section

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# Exhibit A

1 **KRISTIN MAYES**  
2 ATTORNEY GENERAL  
Firm Bar No. 14000

3 **JEFFREY CANTRELL**  
4 State Bar No. 017957  
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Attorneys for Plaintiff

9 **SUPERIOR COURT OF THE STATE OF ARIZONA**  
10 **MARICOPA COUNTY**

11 **STATE OF ARIZONA**, *ex rel.* Karen  
12 Peters, Director, Arizona Department of  
Environmental Quality,

13 Plaintiff,

14 vs.  
15

16 A&G REAL ESTATE, LLC, an  
17 Arizona Limited Liability Corporation;  
18 GINA'S GOLD CANYON GOLD  
19 RESORT LLC, an Arizona Limited  
Liability Corporation; and Abedon  
and Gina Saiz, husband and wife  
("Saizes"),

20 Defendants.

Case No.

**AFFIDAVIT OF WENDY  
EIKENBERRY IN SUPPORT OF THE  
STATE'S TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

(Non-Classified Civil State of Arizona,  
County of Maricopa )

(Assigned to Honorable \_\_\_\_\_)

21 Wendy Eikenberry, being first duly sworn, upon her oath deposes and says:

22 1. This affidavit is being offered in support of the STATE OF ARIZONA'S  
23 ("State") request for a Temporary Restraining Order and Preliminary Injunction,  
24 ordering A&G Real Estate, LLC, an Arizona Corporation, ("A&G"); Gina's Gold  
25 Canyon Golf Resort LLC, an Arizona Limited Liability Corporation (Gina's");  
26

1 and Abedon and Gina Saiz, husband and wife ("Saizes") and who are members of  
2 A&G and Gina's (collectively "Defendants"), to comply with Arizona's Aquifer  
3 Protection Permit statutes as embodied in A.R.S. § Title 49, Chapter 2, Article 3  
4 ("APP").

5 2. That I am currently employed at the Arizona Department of  
6 Environmental Quality ("ADEQ") as an Environmental Science Specialist II in the  
7 Groundwater Protection Unit.

8 3. I have been so employed since August, 2022.

9 4. Prior to that, I was the Lab and Compliance Manager at the Augusta  
10 County Service Authority in Virginia from July 2019 through June 2022, where I was  
11 responsible for managing the laboratory and all regulatory compliance for nine  
12 wastewater treatment plants, ten public drinking water systems, and the facilitator for  
13 the Authority's industrial pretreatment program. Prior to that, I was also a specialty  
14 chemist in the compliance laboratory for the City of Phoenix from December 2012 to  
15 June 2019.

16 5. I hold a Bachelor of Science degree in Biological Sciences from Arizona  
17 State University (2011).

18 6. As a Groundwater Protection Inspector and Compliance Officer at ADEQ,  
19 my job duties included inspecting wastewater treatment plants and other permitted  
20 facilities to ensure that they are in compliance with the APP requirements and other  
21 state and federal law.

22 7. That I have personal knowledge of the statements and documents as  
23 provided below, and if called upon to testify, could and would competently testify to the  
24 following.

25 8. Defendants are Arizona Limited liability Corporations and their members  
26 and having principal places of business at 195 Olive Lane, Lake Havasu City, Arizona



1 86403. The Saizes have a mailing address of 3890 Colt Drive, Lake Havasu City,  
2 Arizona 86404.

3 9. Defendants owned Navajo County Parcel 206-27-001A ("Real Property")  
4 near 2276 Meadow Lane in Overgaard, Arizona and on which is a wastewater treatment  
5 plant ("WWTP" or "Facility") that is designed to treat domestic sewage and discharge  
6 the effluent to a nearby pond and defendants have owned the parcel since at least 11  
7 October 2022.

8 10. Defendants do not possess a valid APP issued by ADEQ as required by  
9 A.R.S. § 49-241.

10 11. The Facility treats domestic sewage from a nearby residential community  
11 with an estimated 115 connections, some of which house children.

12 12. Pursuant to A.R.S. § 49-104(B)(8), I inspected the WWTP on 25 May  
13 2023.

14 13. I am attaching my Field Inspection Report to this Affidavit as Exhibit A.

15 14. My inspection revealed the following observations:

- 16 a. The Facility was discharging a suspected hazardous, toxic, or non-  
17 hazardous materials, in particular untreated sewage;
- 18 b. Treatment Train 1 was not in use.
- 19 c. The sand filters, blending tank, and chlorinator were not in use;
- 20 d. The clarifier was not in use;
- 21 e. The sand filters were not operational;
- 22 f. Effluent Storage Pond 1 had significant algal growth, murky water,  
23 and an odor present;
- 24 g. The signage at Effluent Storage Pond 1 was insufficient;
- 25 h. The Facility was in disrepair indicating it was not being  
26 maintained;

- i. Treatment Train 2 was receiving flow from the aeration basin but which appeared to have no beneficial biological processes present to treat the influent;
- j. The clarifier appeared to be non-functional;
- k. The sand filters were not operational;
- l. The Facility's chlorine disinfection system was not operational;
- m. The Facility's blending tank was not operational;
- n. The nearby lift station was unsecured and no fall protection at its access hatch that presented a fall hazard of approximately 20 feet as well as presenting a potential fatal confined space, hydrogen sulfide threat to any one who ventured into the lift station;
- o. None of the required sampling or monitoring was being performed at the Facility nor did the Facility possess the required operations and maintenance manuals, contingency/emergency response plans, or standard operating procedures. This includes routine daily monitoring which would document flow measurements and ensure proper operation of treatment components, as well as required weekly inspections and effluent monitoring at intervals outlined in the Facility's Permit;
- p. There was no certified operator directly responsible for the Facility;
- q. The Facility was out of compliance with several reporting or monitoring requirements; and,
- r. I observed a small child present playing outside near the Facility.

15. It is my professional judgment that these deficiencies were committed intentionally, are not correctable within a reasonable time period, are evidence of a

1 pattern of non-compliance, and pose a significant risk to the public health, safety,  
2 welfare, or the environment.

3 16. ADEQ respectfully requests this Court to grant the Temporary Restraining  
4 Order and Preliminary Injunction.

5 Pursuant to Arizona Rules of Civil Procedure 80(c), I certify that the  
6 foregoing is true, accurate, and complete. Executed on this 6th day of June 2023.

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8   
9 Wendy Eikenberry  
10 Environmental Specialist

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# Exhibit B



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.*

|   |  |  |                              |  |                              |                      |                              |  |                              |                           |                              |  |                              |
|---|--|--|------------------------------|--|------------------------------|----------------------|------------------------------|--|------------------------------|---------------------------|------------------------------|--|------------------------------|
| <b>Facility Name:</b> Pine Meadows Country Club<br><b>Place ID:</b> 733   | <b>Inspection No:</b> 424786<br><b>Inspection Date/Time:</b> May 25, 2023 11:00AM  |  |                              |  |                              |                      |                              |  |                              |                           |                              |  |                              |
| <b>Inventory/Permit #:</b> 100213<br><b>Current LTF#:</b> 33388   | <b>Inspector(s):</b> Wendy Eikenberry  |  |                              |  |                              |                      |                              |  |                              |                           |                              |  |                              |
| <b>Facility Address:</b> near 2276 Meadow Lane – Navajo County parcel 206-27-001A<br><b>City, State, Zip:</b> Heber-Overgaard, AZ 85933<br><b>County:</b> Navajo  | <b>Inspector Phone:</b> 602-339-4876<br><b>Inspector Email:</b> Eikenberry.Wendy@azdeq.gov   |  |                              |  |                              |                      |                              |  |                              |                           |                              |  |                              |
| <b>Permittee/Responsible Party:</b> A&G Real Estate, LLC<br><b>Contact:</b> Abedon and Gina Saiz<br><b>Mailing Address:</b> 3890 Colt Drive<br><b>City, State, Zip:</b> Lake Havasu City, AZ 86404<br><b>Phone:</b> [RP Phone]<br><b>Email:</b> [RP Email]  | <b>WWTP Population Served:</b> est. 115 connections – apx. 288<br><b>Treatment Plant Grade:</b> 2<br><b>Collection System Grade:</b> 1   |  |                              |  |                              |                      |                              |  |                              |                           |                              |  |                              |
| <b>Operator/ID:</b> [Operator/ID]<br><b>Phone:</b> [Operator Phone]<br><b>Email:</b> [Operator Email]<br><b>Op. Cert. Grade(s):</b> [Op. Cert. Grade]<br><b>Op. Cert. Expiration:</b> [Expiration Date]   | <b>Compliance Summary:</b><br><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 |  |                              |                      |                              |  |                              |                           |                              |  |                              |
| <b>Results of Inspection:</b><br><input type="checkbox"/> No alleged deficiencies were noted during the course of the inspection. No ADEQ action will result from this inspection.<br><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.<br><input checked="" type="checkbox"/> Alleged deficiencies were noted during the course of the inspection. Additional correspondence regarding this inspection may be forthcoming.<br>If applicable, ADEQ documents its initial determination that the alleged deficiencies are:<br><input checked="" type="checkbox"/> Committed intentionally.<br><input checked="" type="checkbox"/> Not correctable within a reasonable period of time as determined by the agency.<br><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.<br><input checked="" type="checkbox"/> A significant risk to any person, the public health, safety or welfare or the environment. |  |  |                              |  |                              |                      |                              |  |                              |                           |                              |  |                              |
| <b>Inspection Report Issued:</b> Via email from ADEQ office <b>Facility Initial:</b> <b>ADEQ Initial:</b> <i>WZ</i>   |  |  |                              |  |                              |                      |                              |  |                              |                           |                              |  |                              |
| <b>General Notes:</b> 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:<br/> Daily flow monitoring – 10/31/21, 12/31/21<br/> 5 month rolling geomean, Total Nitrogen – 11/21<br/> 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:<br/> -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.<br/> -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.<br/> -Facility inspection of freeboard in the reuse pond, to be measured weekly, was not submitted.<br/> -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.  |
| <b>Facility Description and Operational Monitoring Requirements</b>  | <b>Requirement met?</b>   | <b>Comments</b>   |
| 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 | 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.<br><br>Required weekly facility inspections include:<br><input type="checkbox"/> Pump integrity – good working condition<br><input type="checkbox"/> Berm integrity in effluent ponds – no visible structural damage, breach, or erosion of embankments<br><input type="checkbox"/> Freeboard in effluent ponds – minimum 3 feet<br><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 | <input type="checkbox"/> Train 1 – extended aeration package plant<br><input type="checkbox"/> Train 2 – extended aeration package plant<br><input type="checkbox"/> Clarifier (2)<br><input type="checkbox"/> Sand filter (2)<br><input type="checkbox"/> Chlorine disinfection (tablet)<br><input type="checkbox"/> Discharge to blending tank (when both trains are running)<br><input type="checkbox"/> Discharge to effluent storage pond (2)<br><br>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. |
| 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.   |
| <b>Treatment plant components are in good working order (Individually listed below from Section 2.1 in permit).</b>                    |   |   |
| 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.<br>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.<br>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.<br><br>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.<br><br>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  |
|--|--|---|
| <b>POC #1</b> – Drinking water well located adjacent to the WWTP – 55-616640<br>Loc: 34° 23' 38" N 110° 32' 30" W <ul style="list-style-type: none"> <li>Location verified?</li> <li>Does the well appear to be in working order?</li> </ul> | <input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A<br><input type="checkbox"/> C <input type="checkbox"/> NC <input type="checkbox"/> P <input checked="" type="checkbox"/> N/A | Groundwater monitoring is not required.<br><br>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                             |
|--|--|
| <b>Facility Name (Customer):</b> Pine Meadows Country Club                                 | <b>Inspection Date:</b> 5/25/2023            |
| <b>Facility Location (Place):</b> near 2276 Meadow Lane – Navajo County parcel 206-27-001A | <b>Inspection Time:</b> 11:00AM              |
| Heber-Overgaard, AZ 85933  | <b>County:</b> Navajo                        |
| <b>Mailing Address:</b> 3890 Colt Drive  | <b>Inspector:</b> Wendy Eikenberry           |
| Lake Havasu City, AZ 86404   | <b>Telephone:</b> 602-339-4876               |
| <b>Responsible Party:</b> A&G Real Estate, LLC   | <b>Accompanied by:</b> Xan McMacken          |
| <b>On-Site Representative:</b> [On-Site Representative]                                    |  |
| <b>Telephone:</b> [RP Phone]   | <b>ADEQ Follow-up Contact:</b> Tim Pippenger |
| <b>Title:</b> [RP Title]   | <b>Title:</b> Unit Manager                   |
| <b>E-mail:</b> [RP Email]  | <b>Telephone:</b> 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](http://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](http://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 05/25/2023  
Signature of ADEQ Representative 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.

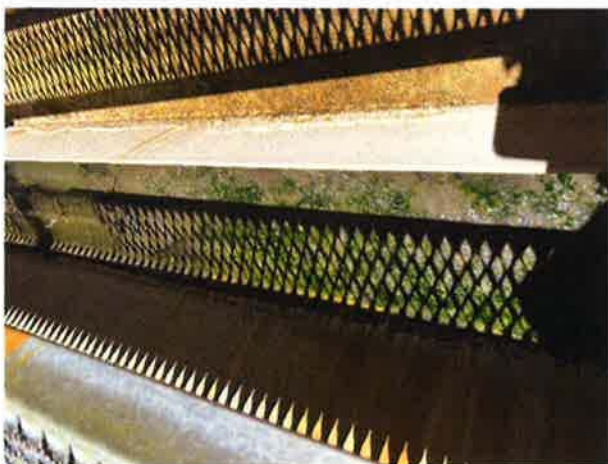


Photo 9

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.

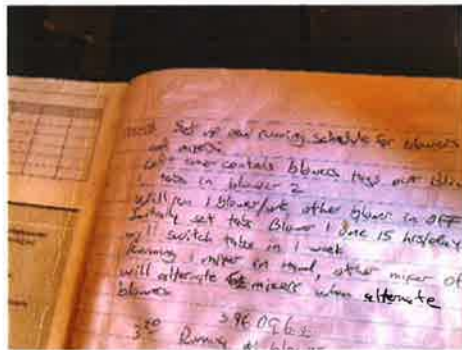


Photo 35

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

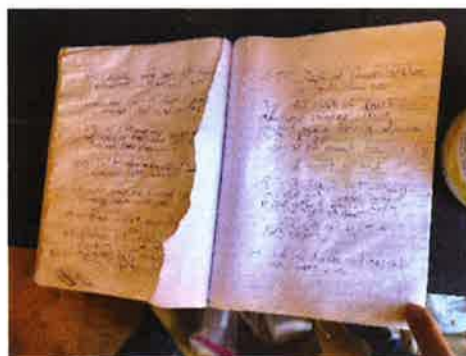


Photo 36

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

Date: May 25, 2023

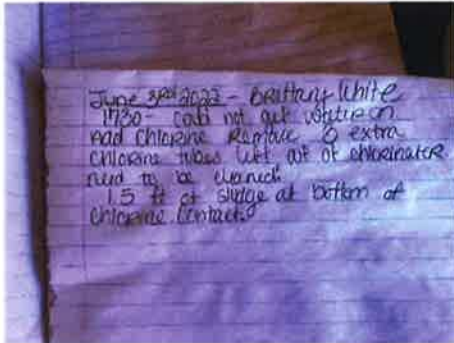


Photo 37

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 C

**From:** Phil Sanders  
**To:** Cantrell, Jeffrey  
**Subject:** Pine Meadows  
**Date:** Wednesday, May 31, 2023 4:18:44 PM

---

Mr Cantrell.

We are in desperate need of help. The new owners of the sewer plant that services our community have not been maintaining it and until we notified them that it was their responsibility they didn't even seem to know there was a sewer plant on the property. At this point the lift pump is not working except manually and sewer is coming out of the lower manhole cover.

The person contracted to do the work had looked at it and said it needs a lift pump and a grinder pump but until they get a signed contract from A & G they won't buy anything because the pumps are expensive (and should have been replaced years ago) and they're working in good faith right now until the contract is signed.

There was talk of heavy fines for not bringing the plant up to code back around the first of the year. We need a quick short term solution and an 'up to code' solution for the long run. The plant services about 170 homes so there is a lot at stake here.

Thank you for your time and we hope you will act quickly to rectify the situation.

Phil Sanders

President PMHOA

Sent from my iPhone

# Exhibit D

**From:** [Steve Feola](#)  
**To:** [Cantrell, Jeffrey](#); [duncan.danielle@azdeq.gov](mailto:duncan.danielle@azdeq.gov)  
**Cc:** [Phil Sanders](#); [Lori Hughes](#)  
**Date:** Friday, June 02, 2023 11:33:13 AM

---

Jeff

This is a recap of the events that occurred over the Memorial Day Weekend. With your permission I am sending a copy of this email to Ms. Danielle Duncan.

1 Beginning Friday 5/26/23 there were reports of the warning light being illuminated at the sewer plant lift station meaning that there was an equipment failure.

2 Phil Sanders the HOA President was able to reach Pat Carpenter (928-606-0498) and Brittany White (480-253-2418) who work for or operate "A Quality Water Service". They informed Phil that they would be operating the plant for the owner Dr. Saiz.

3 They were successful in extinguishing the "red light" but only temporarily.

4- During the weekend it was then reported by one of our homeowners Mr. Tussey who lives at 2259 Fairway Dr. Overgaard Az. 85933 that sewage was pouring out of a manhole cover directly behind his house that was formerly the golf course. You told me that that was referred to as an "SSO" (sanitary sewer overflow) and that the proper Navajo County health agency and ADEQ (Ms. Duncan) was notified.

5 As of this morning the over flow had stopped.

6 You informed me that an inspection of the plant occurred before the Memorial Day Weekend, on or about 5/25/23

7 Mr. Carpenter told Phil Sanders that the "lift pump" needed immediate replacement and that the "grinder pump" should be replaced as well. I believe Phil Sanders also spoke to Ms. Danielle Duncan (602-884-6705)

8 Please provide me with a copy of the inspection report as soon as possible. There are many, many very worried (even frightened) homeowners. There are approximately 90 homes in our development and perhaps up to 40 more at Overgaard Springs Ranch that rely on a properly operating sewer plant. If not their homes are virtually useless.

Please provide me with an update on the question of who owns the plant and whether the transfer of ownership has occurred, as well as the name and contact information for the licensed operator. (if different than Mr. Pat Carpenter)

PLEASE give this matter your immediate attention or ask Ms. Duncan take whatever emergency action is necessary to see to it that the plant is being properly maintained and operated.

Thank you

Steve Feola (602-670-4627)

Steve Feola, Esq.  
2800 North Central Avenue  
Suite 1400  
Phoenix, Arizona 85004  
(602) 277-7473  
[steve@feolalegal.com](mailto:steve@feolalegal.com)

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# Exhibit E



**From:** [Phil Sanders](#)  
**To:** [Cantrell, Jeffrey](#)  
**Subject:** Pine Meadows HOA  
**Date:** Wednesday, June 07, 2023 9:11:23 PM

---

This is Phil Sanders with the community of Pine Meadows in Overgaard. We've got a major problem brewing here and it needs immediate attention.  
I've received these emails...

Phil — Steve Tussey here again. Just as an FYI: It appeared for several days as if the sewer leakage issue had been at least somewhat remedied. But this afternoon it was coming out of the ground and making its way down the cart path again. I have Brittany's contact info (from A Quality Water) but thought perhaps it was better if contact was made by someone representing our HOA. I'm certainly willing to make the call myself, but figure you might be better advised as to the appropriate path.  
Thank you.

The second one I received a little while ago that said the truck that has been servicing the lift station(manually) isn't coming any more.

I talked to the owner of the company-Pat Carpenter-who said until they get a signed contract from the Saiz' they're not going to work on the plant any more.

So, now it will be unattended or not maintained until the contract is signed. I contacted the Saiz' electronically but have not heard back from them. Mr Carpenter says they have had the contract(or at least their lawyer-James Cool has had it) for three weeks.

Something has to be done immediately. I would hate for the small town newspapers to 'get wind' of this situation.

You could be the hero in this situation...or just part of the problem.

Thanks for your help in advance.

Sent from my iPhone

# Exhibit F

**From:** [Phil Sanders](#)  
**To:** [Cantrell, Jeffrey](#)  
**Subject:** Re: Pine Meadows  
**Date:** Thursday, June 01, 2023 3:39:02 PM

---

Thank you for replying in a timely manner.

What we are trying to do is keep wastewater from getting into our homes and those of the other subdivision this plant services.

Having to turn the pump on manually is definitely not the solution.

Having sewer water and the associated smell come within 50' of one of our homeowner's home, not from his property, from his house, is definitely not acceptable.

Even though it will be expensive to do the repairs, it will still be cheaper than lawsuits from 170 customers who have raw sewage back up in their homes.

This is why we're being proactive in our attempts to get the owners of the property motivated to do the repairs.

This problem won't just go away. It has to be resolved.

Thank you for your help. If we can be of any help, let me know.

Phil Sanders

Pine Meadows HOA

Sent from my iPhone

On Jun 1, 2023, at 3:13 PM, Cantrell, Jeffrey  
<[Jeffrey.Cantrell@azag.gov](mailto:Jeffrey.Cantrell@azag.gov)> wrote:

Phil,

Thanks for contacting me. ADEQ recently performed an inspection of the wastewater treatment plant and is in the process of implementing some type of relief for everyone up there. Additionally, ADEQ has reached out to Navajo County officials to inform them of the situation and see if there is anything they can do immediately.

Can you tell me if any of the residents are experiencing sewage overflows into their homes or other situations where their wastewater is causing immediate health issues inside residents' dwellings? Any additional information you can provide would be helpful. Thanks!

Jeff

Jeffrey Cantrell

Assistant Attorney General  
Environmental Enforcement Section  
Arizona Attorney General  
2005 N. Central Ave.  
Phoenix, AZ 85004  
602-542-7912

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---

**From:** Phil Sanders <plsanders1350@icloud.com>  
**Sent:** Wednesday, May 31, 2023 4:18 PM  
**To:** Cantrell, Jeffrey  
**Subject:** Pine Meadows

Mr Cantrell.

We are in desperate need of help. The new owners of the sewer plant that services our community have not been maintaining it and until we notified them that it was their responsibility they didn't even seem to know there was a sewer plant on the property. At this point the lift pump is not working except manually and sewer is coming out of the lower manhole cover.

The person contracted to do the work had looked at it and said it needs a lift pump and a grinder pump but until they get a signed contract from A & G they wont buy anything because the pumps are expensive(and should have been replaced years ago) and their working in good faith right now until the contract is signed.

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We need a quick short term solution and an 'up to code' solution for the long run. The plant services about 170 homes so there is a lot at stake here.

Thank you for your time and we hope you will act quickly to rectify the situation.

Phil Sanders

President PMHOA

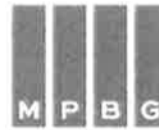
Sent from my iPhone

# Exhibit G

JULIA M. KOLSRUD  
ATTORNEY AT LAW

O. 602.252.1900  
D. 602.774.3509

EMAIL  
jkolsrud@maypotenza.com



May Potenza  
Baran & Gillespie

CENTRAL ARTS PLAZA  
1850 NORTH CENTRAL AVE., 16TH FLOOR  
PHOENIX, AZ 85004

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.



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