



11/2007

T: 17S R: 14E Sec: 22
Latitude: 31.93134°
Longitude: -110.91025°
Parcel #: 303-63-0130
SD: 2

DEPARTMENT OF ENVIRONMENTAL QUALITY
150 West Congress Street
Tucson, Arizona 85701-1317

Ursula Kramer
Director

(520) 740-3340
FAX (520) 882-7709

November 16, 2007

CERTIFIED MAIL
Return Receipt Requested

Kanarco Company
Attn: Marvin H. Grusing
2328 Wood Ave.
Colorado Springs, CO. 80907-6774

**PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY
NOTICE OF VIOLATION #PC 0711-088**

The Pima County Department of Environmental Quality (PDEQ) has reason to believe that Kanarco Company located at 2328 Woods Ave. Colorado Springs, Co. has violated requirements of the Arizona Revised Statutes (A.R.S.), and rules within the Pima County Code (PCC). The PDEQ authorized representative, Jim Phair, discovered the violations alleged below during an inspection of a well drilling project located west of 17221 S. Alvernon Rd.; parcel number 303-63-0130, conducted on Nov 9, 2007. The findings were reported to Mr. Joseph Baker, Hydrologist for Errol L. Montgomery & Assoc., a company hired to test the well.

I. FINDING OF FACTS

1. Alleged Violations

PCC 17.16.050A, Visibility Limiting Standard

No person shall cause, suffer, allow, or permit operations or activities likely to result in excessive amounts of airborne dust without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne.

Visit our website at: www.deq.pima.gov

PCC 17.16.050D, Visibility Limiting Standard

No person shall cause, suffer, allow, or permit diffusion of visible emissions, including fugitive dust, beyond the property boundary line within which the emissions become airborne, without taking reasonably necessary and feasible precautions to control generation of airborne particulate matter. Sources may be required to cease temporarily the activity or operations which is causing or contributing to the emissions until reasonably necessary and feasible precautions are taken.

Findings

The inspector observed no evidence of the implementation of reasonable and feasible dust control measures at the site during the November 9, 2007 investigation. The site had two to three inches of loose ground cover caused by landstripping and earthmoving. The inspector advised Mr. Baker at approximately 11:30 AM, that the site needed to be stabilized to be compliant with Pima County Code emission standards. At about 2:20 PM when the wind speed increased, the inspector observed and documented fugitive dust crossing the property line bordered by Alvernon Rd.

Requested Corrective Action(s)

- Assuring that reasonable precautions are taken to control the generation of airborne dust at all times when conducting activities likely to result in excessive amounts of airborne particulate matter.
- Ceasing all dust producing activities until effective dust control measures have been taken to mitigate fugitive emissions.
- Implementing work practices that effectively control dust emissions such as the application of adequate amounts of water, chemical suppressants, and/or other equivalently effective dust control measures.

2. Alleged Violations

PCC 17.16.080B, Vacant Lots and open Spaces

No vacant lot, housing plot, building site, parking area, sales lot, playground, livestock feedlot, or other open area - other than those used solely for soil-cultivation or vegetative crop-producing and harvesting agricultural purposes - shall be used or left in such a state after construction, alteration, clearing, leveling, or excavation that naturally induced wind blowing over the area causes a violation of Section 17.16.050. Dust emissions must be permanently suppressed by landscaping, covering with gravel or vegetation, paving, or applying equivalently effective controls.

Findings

The inspector observed no evidence of the implementation of permanent dust suppression measures at the site during the November 9, 2007 investigation. The site had two to three inches of loose ground cover caused by clearing of the property. The inspector advised Mr. Baker at approximately 11:30 AM, that the site needed to be stabilized to be compliant with Pima County Code emission standards. At about 2:20 PM the inspector observed a violation of P.C.C. 17.16.050 caused by naturally induced wind blowing over the area and documented fugitive dust crossing the property line bordered by Alvernon Rd.

Requested Corrective Action(s)

- Assuring that reasonable precautions are taken to control the generation of airborne dust at all times when conducting activities likely to result in excessive amounts of airborne particulate matter.
- Ceasing all dust producing activities until effective dust control measures have been taken to mitigate fugitive emissions.
- Implementing work practices such as landscaping, covering with gravel or vegetation, paving, or applying equivalently effective control measures to permanently suppress dust emissions from the site.

II. CITATION OF AUTHORITY

Arizona Revised Statutes. § 49-471 et seq

17.28.010, P.C.C. Title 17, Violations and Order of Abatement

III. REQUESTED COMPLIANCE DOCUMENTATION

Kanarco Company shall submit a written response to PDEQ within **thirty (30)** calendar days of receipt of this notice. The response shall include:

- A thorough explanation of those actions that led to each violation
- The corrective actions taken to meet compliance
- The corrective measures taken to prevent future violations of this type

The above documentation shall be deemed "submitted" when received by PDEQ at the following address:

Pima County Department of Environmental Quality
Air Program
33 N. Stone Ave., Suite 730
Tucson, AZ 85701

IV. STATEMENT OF CONSEQUENCES

Failure to achieve compliance or enter into a Consent Order will result in PDEQ initiating a unilateral enforcement action. Achieving compliance does not preclude PDEQ from seeking civil penalties.

A unilateral enforcement action may result in a civil penalty. A civil penalty may be imposed for each violation for the entire non-compliance period.

PDEQ believes the alleged violations identified in the NOV are significant and advises you they may be used to determine a pattern of non-compliance or used to determine civil penalties pursuant to A.R.S. §49-513. As such, PDEQ believes that a NOV is an appealable agency action as defined in A.R.S. §49-471(4).

A person whose legal rights, duties or privileges were determined by an appealable agency action or who will be adversely affected by an appealable agency action and who exercised any right to comment on the action provided by law, rule or ordinance may appeal the action to the air pollution hearing board established pursuant to A.R.S. § 49-478.

V. ADMINISTRATIVE INFORMATION

OFFER TO MEET

PDEQ personnel are willing to schedule a meeting to discuss the violation(s) and corrective action(s). If you would like to meet, please contact the PDEQ Enforcement Division at (520) 740-3340. Before meeting, please submit the following:

- An agenda that specifies the objectives you wish to discuss.
- The names and affiliations of the participants that will be accompanying you.

COMPLIANCE ASSISTANCE

PDEQ personnel are also willing to help you achieve and maintain compliance. If you need assistance complying with the regulations please contact our department at (520) 740-3340.

Sincerely,



Jim Phair

Environmental Enforcement Officer

Attachment: Complaint Investigation Report dated November 9, 2007

Cc: PDEQ Case File #PC 0711-088

Errol L. Montgomery & Assoc.
Attn: Mark M. Cross
1550 E. Prince Road
Tucson, AZ 85719

Layne Christensen Company
1900 Shawnee Mission Pkwy.
Mission Woods, KS 66205

2520 WOOD AVE.

Colorado Springs, CO. 80907-6774

047J82002202

05.380

CERTIFIED MAIL™

DEPARTMENT OF ENVIRONMENTAL QUALITY

150 WEST CONGRESS

TUCSON, ARIZONA 85701-1333

Paper

RETURN SERVICE REQUESTED

7005 1820 0000 8047 0042

RECEIVED
PIMA COUNTY

NOV 26 2007

Kanarco Company

Attn: Marvin H. Grusing

2328 Wood Ave.

Colorado Spring

Air



047J82002202

\$05.380

11/20/2007

850 N7E 1 907I 40 11/22/07

RETURN TO SENDER

:KANARCO COMPANY

1895 S 21ST APT 200

COLORADO SPGS CO 80904-4244

RETURN TO SENDER

8570101333

