

Hanson, Britt

From: German, Gloria
Sent: Friday, November 22, 2013 2:07 PM
To: Hanson, Britt; Blanchard, Sue
Subject: FW: email to Britt Hanson regarding the Cochise County Western Regional Landfill

Gloria G. German

Administrative Manager
 Cochise County Attorney's Office
 (520) 432-8700

From: Hestand, John [mailto:John.Hestand@azag.gov]
Posted At: Friday, November 22, 2013 12:39 PM
Posted To: Attorney
Conversation: email to Britt Hanson regarding the Cochise County Western Regional Landfill
Subject: email to Britt Hanson regarding the Cochise County Western Regional Landfill

Dear Britt: Here is the brief history of the issues surrounding ADEQ's concerns regarding the Cochise County Western Regional Landfill.

1. On October 28, 2008 ADEQ's Solid Waste Inspections and Compliance Unit conducted a complaint response inspection of the Cochise County Western Regional Landfill. According to the anonymous complaint liquid paint was being disposed of directly to the Landfill.
2. On April 8, 2009 ADEQ issued a Notice of Violation to the Landfill for nine violations of environmental laws regarding
 - a. Failure to control wind dispersion and other surface dispersions of land fill materials,
 - b. Failure to cover disposed solid waste with six inches of earthen material at the end of each operating day or at more frequent intervals if necessary.
 - c. Disposal of waste tires in a landfill or by incineration,
 - d. Failure to prevent stormwater from running on to the site and failure to correct soil erosion to ensure proper cover of waste,
 - e. Operating a surface water impoundment without an aquifer protection permit,
 - f. Failure to manage mixtures of used oil and hazardous waste,
 - g. Failure of a used oil generator to perform the required clean-up stems upon detection of a release of used oil to the environment,
 - h. Failure to transport used oil and liquid paint to an off-site recycling facility, and
 - i. Failure to properly label containers or above ground tanks or fill pipes used to store used oil at a generator facility.
3. On January 20, 2010 Curtis Cox, wrote to Mr. Haverty, Director of the Cochise County

Department of Solid Waste indicating that ADEQ had referred the NOV to the Attorney General's Office to file an enforcement action in Superior Court for violations of the Solid Waste Programs. That letter stated that ADEQ wanted to meet with Cochise County to discuss resolving the violations through settlement.

4. During 2010 negotiations took place regarding the characteristics of an appropriate Supplemental Environmental Plan to be adopted in the Consent Judgment in lieu of civil penalties. I understand that one of the points of contention regarding resolution of the situation was Cochise County's preference to have the matter resolved through a Consent Order (administrative) rather than a Consent Judgment (Judicial). Curis explained that because the matter involved money, in this case an SEP that the County would have to pay for, rather than civil penalties, it could only be done through a Consent Judgment.
5. In early 2011 several crisis took attention away from resolving the environmental violations and the matter went on a back burner.
6. On June 27, 2012 ADEQ's Solid Waste Inspection and Compliance Unit conducted a routine inspection of the Western Regional Landfill and found the Landfill in compliance with ADEQ's solid waste regulations at the time of the inspection.
7. This matter was assigned to me and I contacted ADEQ to ask whether, based on the passage of time, it would be possible to resolve the matter through a Consent Order as opposed to a Consent Judgment.
8. ADEQ indicated that it would conduct an inspection of the Landfill. If the inspection found no violations of solid waste or tire laws a Consent Order would be sufficient. If the inspection found violations of the solid waste or tire laws then a Consent Judgment would be required.
9. On July 10, 2013 ADEQ's Solid Waste Inspections and Compliance Unit conducted an inspection of the Landfill.
10. On August 8, 2013 ADEQ issued a Notice of Violation to the Cochise County Department of Solid Waste Management setting out the following violations.
 - a. Failure to cover disposed solid waste with six inches of cover at the end of each operating day, or more frequent interval as necessary,
 - b. Failure to operate the facility in a manner that controls wind dispersion and other surface dispersions of solid waste from the facility,
 - c. Failing to maintain the integrity and effectiveness of final cover, and
 - d. Storage of used motor vehicle tires outdoors in a grid system that exceeds fifty feet by one hundred and fifty feet.
11. Two of the listed violations in the April 8, 2009 NOV and three of the listed violations in the August 8, 2013 NOV dealt with wind dispersion and other surface dispersion of solid waste and failure to maintain adequate cover.
12. Two of the listed violations in the April 8, 2009 NOV and one of the listed violations in the August 8, 2013 NOV dealt with tires.

I am including the documents arising from the July 10, 2013 Inspection Report and the August 8, 2013 Notice of Violation.

Would you please have the attorney that you assign to this matter get in touch with me after he/she has had an opportunity to discuss the matter with the Cochise County employees?

Please let me know if you want me to send you copies of the documents relating to the earlier Inspection and NOV.

Thanks
John

John T. Hestand

Assistant Attorney General
Environmental Enforcement Section
1275 West Washington Street
Phoenix, Arizona 85007
(602) 542-8086
John.hestand@azag.gov