



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Benjamin H. Grumbles
Director

November 6, 2009

CERTIFIED MAIL
Return Receipt Requested

George Cunningham, President
Cunningham & Associates, Inc.
6502 N. 27th Avenue
Phoenix, AZ 85017

Re: Chieftain Inn Disclosure Statement
Public Water System ID# 01-062

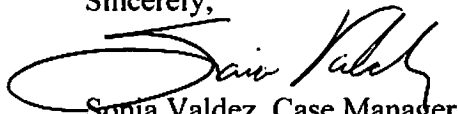
Dear Mr. Cunningham:

The purpose of this letter is to formally disclose several outstanding drinking water related violations that have occurred in respect to the Chieftain Inn Hotel located at Interstate 40 and US Highway 191 (Exit 333) Chambers, Apache County, Arizona. The Arizona Department of Environmental Quality (ADEQ) conducted a compliance inspection on September 29, 2008, and as a result of the inspection, determined that the Chieftain Inn is operating a regulated public water system without obtaining the services of a state certified water operator, pursuant to A.A.C. R18-5-104(A)(1) and has constructed and/or connected to a well without first obtaining an Approval to Construct or an Approval of Construction pursuant to A.A.C. R18-5-505(B). On November 10, 2008, ADEQ issued a Notice of Violation (NOV) covering the before noted major drinking water violations and to date the NOV remains unresolved (attached).

ADEQ now understands that the system is currently in foreclosure, is not operating, and will be auctioned of on November 19, 2009. For those reasons, ADEQ formally requests that the outlined violations and NOV be disclosed prior to the auction in order to prevent a continuation of violations once the facility is operating under new ownership.

If you have any questions or comments concerning this matter please feel free to contact me directly at 602-771-4690 or via email at sjv@azdeq.gov.

Sincerely,


Sonia Valdez, Case Manager
Enforcement Unit
Compliance Section, WQD

Northern Regional Office
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733



Janet Napolitano
Governor

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Stephen A. Owens
Director

CERTIFIED MAIL
Return Receipt Requested

Case ID #: 103489

November 7, 2008

Best Western - Chieftain Inn
Attention: Frank Devall
PO Box 39
Chambers, AZ 86502-0039

Subject: Chieftain Inn, Place ID 1462
I-40 / Chambers, AZ 86502

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ) has reason to believe that Best Western - Chieftain Inn as the owner/operator of Chieftain Inn has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit/license, administrative order or civil judgment. ADEQ discovered the violations alleged below during an inspection completed on September 29, 2008.

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

1. A.A.C. R18-5-104(A)(1)

Failure to ensure that the operator in direct responsible charge of the facility is certified for the class of the facility and at or above the grade of the facility.

There is no certified operator for the Chieftain Inn facility. This is a grade 1 distribution facility and requires a grade 1 distribution certified operator.

2. A.A.C. R18-5-505(B)

Failure to obtain an Approval to Construct from ADEQ prior to modifying an existing public water system.

The Chieftain Inn added a well to the system prior to the date of the sanitary survey. There is no approval for the well.

II. DOCUMENTING COMPLIANCE

1. Within 30 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or an administratively complete application for an Approval to Construct for the new well added to provide water to the Chieftain Inn. Within fifteen days of receiving the Approval to Construct from the Water Quality Design Review Unit submit approvable construction completion documents to the ADEQ Northern Regional Office to

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(928) 779-0313

Southern Regional Office
400 West Congress Street Suite 433 Tucson, AZ 85701
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obtain an Approval of Construction.

2. Within 30 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or documentation that the Chieftain Inn has an operator in direct responsible charge who is certified as a grade 1 distribution operator.

III. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

Arizona Department of Environmental Quality, Attention: Steve E. Camp, NRO Field Services, 1801 W. Route 66, Suite 117, Flagstaff, AZ 86001 MC: R2000F

IV. STATEMENT OF CONSEQUENCES

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

V. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact Steve E. Camp at (928) 773-2712.

Matthew L. Capalby, Manager
Northern Regional Office

Steve E. Camp
NRO Field Services