



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

CERTIFIED MAIL
7006 2150 0003 7932 3770
Return Receipt Requested

January 22, 2010

Case ID: 115068

Arizona Aerospace Foundation
Attention: Yvonne C. Morris, Executive Director
6000 E. Valencia Road
Tucson, AZ 85756

Re: Notice of Violation issued to the Arizona Aerospace Foundation as the owner/operator of the Pima Air and Space Museum, Arizona Aquifer Protection Permit Program

Dear Ms. Morris:

This letter constitutes the monthly update on the status of Arizona Department of Environmental Quality ("ADEQ") action resulting from ADEQ's inspection of the above-referenced site on November 24 & December 1, 2009, as required by A.R.S. § 41-1009(H).

The attached Notice of Violation ("NOV") is an informal compliance assurance tool used by ADEQ to put a responsible party (such as a facility owner or operator) on notice that the Department believes a violation of an environmental requirement has occurred. It describes the facts known to ADEQ at the time of issuance and cites the requirement that ADEQ believes the party has violated.

Although ADEQ has the authority to issue appealable administrative orders compelling compliance, an NOV has no such force or effect. Rather, an NOV provides the responsible party an opportunity to do any of the following before ADEQ takes formal enforcement action: (1) meet with ADEQ and discuss the facts surrounding the violation, (2) demonstrate to ADEQ that no violation has occurred, or (3) document that the violation has been corrected.

ADEQ reserves the right to take a formal enforcement action, such as issuing an administrative order or filing a civil lawsuit, regardless of whether the Department has issued an NOV. Neither ADEQ's issuance of an NOV nor its failure to do so precludes the Department from pursuing these remedies. However, the timeliness of a complete response to this notice will be considered by ADEQ in determining if and how to pursue such remedies.

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

Sincerely,



Martin D. McCarthy, P.E.
Acting Director and
Regional Compliance Manager
Southern Regional Office

Cc: Tom Moulton, Director PCED & Tourism Agency
Cynthia Campbell, Manager WQCS, ADEQ
Michèle Robertson, Manager WQD, Groundwater Section, ADEQ
Mel Bunkers, Manager WPD ICS HAZ WASTE UNIT
Carrolette Winstead, Manager APP & Dry Well Unit, WQD



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Case ID #: 115068

January 22, 2010

Arizona Aerospace Foundation
Attention: Yvonne C. Morris, Executive Director
6000 E Valencia Rd
Tucson, AZ 85756-9403

Subject: Pima Air & Space Museum, Place ID 7680
6000 E Valencia Rd / Tucson, AZ 85756-9403

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ) has reason to believe that Arizona Aerospace Foundation as the owner/operator of Pima Air & Space Museum 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 December 01, 2009.

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

1. **A.R.S. § 49-241(B)(9)**

Point source discharge to a navigable water without an aquifer protection permit.

The Pima Air and Space Museum is discharging untreated wastewater from the wash pad used by the aircraft restoration facility directly to an unnamed wash that is tributary to Julian Wash (a tributary of the Santa Cruz River) without an Aquifer Protection Permit (APP). Point source discharges are considered categorical discharges under the Aquifer Protection Permitting Program and require a permit.

II. DOCUMENTING COMPLIANCE

1. Within 30 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or documentation that the discharges have ceased.
2. Within 30 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or a description of measures taken to prevent future discharges from the aircraft wash pad until the applicable Aquifer Protection Permit is issued by ADEQ.
3. Within 120 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or an administratively complete APP application for closure to remediate areas impacted by the discharges. In the alternative, submit an application for an APP for discharges from the wash pad. Please contact Carrolette Winstead at 602-771-4616, or by e-mail cw6@azdeq.gov, to discuss your options and schedule a pre-application meeting. Please send a copy of the application you decide to submit to the contact listed below in Section III.

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1801 West 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

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: Kenneth R. Best, SRO Compliance Programs Unit, 400 W Congress, Ste 433, Tucson, AZ 85701 MC: N/A

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 Kenneth R. Best at (520) 628-6709.



Martin D. McCarthy P.E., Manager
SRO Compliance Programs Unit



Kenneth R. Best
SRO Compliance Programs Unit