

Via Certified Mail:
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Return Receipt Requested

Charles (Mike) Zunitch
Environmental Compliance Coordinator
Fisher Sand and Gravel, dba Southwest Asphalt Paving
45 Castle Rock Road, Suite 1
Sedona, AZ 86351

Subject: Findings of Violations and Order for Compliance
EPA Docket No. CWA-309(a)-10-014

Dear Mr. Zunitch:

On February 5, 2010, the U.S. Environmental Protection Agency (EPA) conducted a Clean Water Act compliance inspection at the Arizona Department of Transportation's State Route 179 Improvement Project located between Mile Posts 310.5 and 313.8 near Sedona, AZ (the SR 179 project). Fisher Sand and Gravel, dba Southwest Asphalt Paving (Fisher) is ADOT's General Contractor for SR 179. A copy of the inspection report is enclosed.

Based on the inspection, EPA issues the enclosed Findings of Violation and Order for Compliance requiring Fisher to take specific actions to bring the facility into compliance with the Clean Water Act. EPA issued a separate Order to ADOT for its violations at the SR 179 project. This Order directs Fisher to complete several tasks, including the following:

1. Implement adequate best management practice (BMP) controls to prevent sediment discharge to Oak Creek;
2. Submit a revised Monitoring Program that complies with the Arizona Construction General Permit;
3. Submit inspection and monitoring reports to EPA for the 60-day period following receipt of this Order; and
4. Complete several additional tasks identified in the Order, within the time specified.

In paragraph 27 of the Order, we require Fisher and ADOT to jointly submit a revised storm water monitoring plan. We encourage you to make joint responses for other common Order requirements. Please ensure that joint submittals are certified by both Fisher and ADOT. If you have any questions concerning this matter, please contact Ellen Blake of my staff at (415) 972-3640.

Sincerely,

Alexis Strauss
Director, Water Division

Enclosures:

1. Findings of Violation and Order for Compliance
2. Storm Water Compliance Inspection Report

cc (w/enclosures):

John S. Halikowski, Director, ADOT
Benjamin H. Grumbles, Director, ADEQ
Chuck Howe, Flagstaff District, ADOT
Wendy Terlizzi, Water Quality Group, ADOT