

Janet Napolitano  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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



Stephen A. Owens  
Director

April 7, 2008

Jake Garrett, P.E.  
Gila County Community Development Division  
Wastewater Department Manager  
714 S. Beeline Hwy, Ste 200  
Payson, AZ 85541

Dear Mr. Garrett:

We have received your letter dated March 18, 2008 regarding cesspools. First, any information provided to you by our Department suggesting that cesspools are to be inspected or transferred under A.A.C. Title 18 is incorrect. Cesspools are not a permitted method of wastewater disposal and are prohibited expressly under R18-9-A309(A)(4) and R18-5-408(D). Accordingly, they are not subject to the notice of transfer requirements of R18-9-A304, the presale inspection rules of R18-9-A316, or the repair provisions of R18-9-A309(A)(9).

In addition to being prohibited under the "General Provisions for On-site Wastewater Treatment Facilities" section of the rule, cesspools do not meet the requirement of the R18-9-B301(I)(1)(b). That provision refers specifically to "[a]n on-site wastewater treatment facility with flows less than 20,000 gallons per day operating before January 1, 2001." The definition of "on-site wastewater treatment facility" is provided in rule (R18-9-101(27));

"On-site wastewater treatment facility" means a conventional septic tank system or alternative system installed at a site to treat and dispose of wastewater, predominantly of human origin, generated at that site. ...

ADEQ recognizes that a number of residential cesspools remain in operation in Gila County and across the state. However, since their operation is generally prohibited and, as your letter effectively conveys, they unacceptably endanger water quality and the public health and safety, their continued operation should not be encouraged. ADEQ believes that home inspectors and on-site transfer inspections that may occur should encourage potential buyers to require the installation of a permitted facility. Also, we would like to explore with you ways to educate current and potential homeowners of the prohibition against cesspool operation and appropriate methodologies to phase out their use in Gila County.

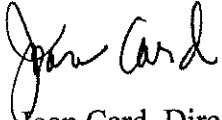
Northern Regional Office  
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001  
(928) 779-0313

Southern Regional Office  
400 West Congress Street • Suite 433 • Tucson, AZ 85701  
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Jake Garrett  
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Please feel free to call me at (602) 771-2306 or David Lelsz at (602) 771-4447.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joan Card".

Joan Card, Director  
Water Quality Division