



MEMORANDUM

Date: December 30, 2020

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to read "CHH", is written over the printed name "C.H. Huckelberry".

The Honorable Supervisors Elect
Pima County Board of Supervisors

Re: **Casas Adobes Apartment Homes Water Supply**

A private water main break at 3:30 a.m. on December 26, 2020 caused water to be shut off to 204 apartments at Casas Adobes Apartment Homes located at 6200 N. Oracle Road. Water service was still not restored as of this morning, even though residents were told repeatedly that the problem would be fixed within a day.

As such, the County issued the attached abatement order this morning, notifying the property owner to restore service to buildings through either permanent or temporary means within 24 hours of receipt. The order indicates that if service is not restored by the owner within this timeframe, the County shall complete the work to connect the buildings through permanent or temporary means in order to restore service. Following work completion, an additional order will be issued to reimburse the County for the work provided.

As of this time, we understand that the property owner's contractor is working to install temporary bypass connections to the buildings and is anticipating all buildings to be connected to this temporary water source prior to the end of day. The property owner will still be required to make permanent repairs within a reasonable timeframe.

CHH/mp

Attachment

c: Jan Leshar, Chief Deputy County Administrator
Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer,
Health and Community Services
Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Yves Khawam, PhD, Assistant County Administrator for Public Works
Ursula Nelson, Director, Environmental Quality Department
Terry Cullen, MD, MS, Public Health Director, Pima County Health Department
Jackson Jenkins, Director, Regional Wastewater Reclamation Department



33 N. Stone Avenue, Suite 700
Tucson, Arizona 85701-1429
www.pima.gov/deq

Ursula Nelson, P.E.
Director

(520) 724-7400
FAX (520) 838-7432

In the Matter of:
GR Partners Casa Adobes, LLC
Casas Adobes Apartment Homes
6200 N. Oracle Rd.
Tucson, AZ 85704

ABATEMENT ORDER

Case # P.C. 2012-126

Hand delivered 12/30/2020

TO: GR Partners Casa Adobes, LLC, Casas Adobes Apartment Homes, Parcel ID number 102-20-003C, located at 6200 N. Oracle Rd., Tucson, AZ 85704 (“Property”) in Tucson, Pima County, Arizona.

I. YOU ARE HEREBY NOTIFIED that the Director of the Pima County Department of Environmental Quality (“PDEQ”) has reasonable cause to believe that GR Partners Casa Adobes LLC, Casas Adobes Apartment Homes, has caused a public health nuisance as defined by the provisions of the Arizona Revised Statutes (“A.R.S.”) §36-602.A.

II. JURISDICTION

The Director has authority to order abatement of activities that cause a public health nuisance pursuant to A.R.S. §36-602.A.

III. THE DIRECTOR MAKES THE FOLLOWING FINDINGS:

On December 29, 2020, the PDEQ inspector conducted an inspection at Casas Adobes Apartment Homes, located at 6200 N. Oracle Rd., Tucson, AZ 85704, in response to multiple citizen complaints regarding lack of water for a period exceeding four (4)

consecutive days. PDEQ received reports from the Arizona Department of Environmental Quality and the public complaining about the lack of water. Without water, residents of the Casas Adobes Apartment Homes are unable to bathe, flush toilets or maintain hand hygiene. In addition, lack of building water compromises fire safety.

The lack of water described above constitutes a public nuisance dangerous to public health. The conditions violate A.R.S. § 36-602.A which provides:

Notwithstanding any other provision of this title, when a nuisance, source of filth or cause of sickness exists on private property, the county board of health, the local health department, the county environmental department or the public health service district shall order the owner or occupant to remove it within twenty-four hours at the expense of the owner or occupant. The order may be delivered to the owner or occupant personally, or left at the owner or occupant's usual place of abode or served on the owner or occupant in the same manner as provided for service of process under the Arizona rules of civil procedure. If the order is not complied with, the board or department may impose a civil penalty pursuant to section 36-183.04 and shall cause the nuisance, source of filth or cause of sickness to be removed, and expenses of removal shall be paid by the owner, occupant or other person who caused the nuisance, source of filth or cause of sickness.

IV. IT IS THEREFORE ORDERED, pursuant to A.R.S. §36-602.A, that GR Partners Casa Adobes, LLC, Casas Adobes Apartment Homes, shall restore potable water service to all apartment units within 24 hours of this order. If the order is not complied with, Pima County shall complete the work or connect buildings to the water supply using a temporary bypass until GR Partners Casa Adobes, LLC, Casas Adobes Apartment Homes completes the work, in order to abate the public health nuisance. After the work is completed, Pima County will issue an order providing that Pima County's cost of

completing the work or constructing the temporary bypass will be paid by GR Partners Casa Adobes, LLC, Casas Adobes Apartment Homes, as authorized by A.R.S. §36-602.A.

IT IS FURTHER ORDERED that, until potable water service is restored, GR Partners Casa Adobes, LLC, Casas Adobes Apartment Homes, shall provide alternative sanitation and water provisions compliant with recommendations from the Pima County Health Department, including, at a minimum:

- 11 portable toilets, 2 of which are ADA accessible;
- 4 total sink stations;
- 1 gallon per resident per day of drinking water;
- 3 gallons per resident per day of clean water for bathing;
- Provide a fire watch coordinated with the responding Fire Department.

V. YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:

A. An order regarding costs may be challenged using the procedure provided for in Pima County Code § 7.33.050, except that the cost may not become a lien on the property and portions of that section referring to liens will not apply.

B. Failure to comply with this order may subject you to further administrative or judicial sanctions, including a lawsuit for a temporary restraining order or preliminary or permanent injunction requiring you to abate the activities on the Property, to recover costs of abating the nuisance, and for civil penalties. By issuing this order, neither the Pima County Department of Environmental Quality nor the Office of the County Attorney waives its right to seek appropriate penalties or injunctive relief for violations of

the statutes pertaining to any rule or order promulgated or issued thereunder, or any other applicable environmental statute or legal authority.

ISSUED this 30th day of December, 2020.

Ursula K. Nelson

Digitally signed by Ursula K. Nelson
DN: cn=Ursula K. Nelson, o=Pima County,
ou=Environmental Quality,
email=ursula.nelson@pima.gov, c=US
Date: 2020.12.30 09:57 -0700

Ursula Nelson, P.E.
Director, Pima County Department of
Environmental Quality

ORIGINAL of the foregoing order was hand delivered this 30th day of December, 2020, at _____:_____ a.m./p.m. to:

GR Partners Casa Adobes, LLC
Casas Adobes Apartment Homes
6200 N. Oracle Rd.
Tucson, AZ 85704

COPIES of the foregoing order were hand delivered this 30th day of December, 2020, to:

Mr. Andrew Flagg
Chief Civil Deputy County Attorney
Pima County Attorney's Office
Civil Division
32 North Stone, 21st Floor
Tucson, Arizona 85701-1416

Ms. Jennifer Lynch, R.S., REHS
Water & Waste Environmental Quality Manager
Pima County Department of Environmental Quality
Enforcement Program
33 N. Stone, Suite 700
Tucson, Arizona 85701-1429