



CW FROM TOP LEFT: a child and an adult prepare for a day of skiing in the foreground of a reclaimed wastewater snow gun at Arizona Snowbowl; a wipeout; a child at the Snowbowl commissary; skiers in line at the snack bar; Mark Shaffer, Kathleen Nelson, & Rudy Preston at ADEQ; Daniel Czecholinski of ADEQ; 8x8" signage at a height of 10' at an entrance; a skier who lost a glove; a leaky reclaimed wastewater hose. Children & the elderly may be especially sensitive to the "emerging contaminants" recently identified in reclaimed wastewater. PHOTOS BY KATHLEEN NELSON & CHARLES SEIVERD

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<p>Sea Wolf WITH THE DONNIES & THE AMYS 1/26 the green room</p>	<p>HATEBREED WITH SHADOWS FALL, DYING FETUS, THE CONTORTIONIST & DEFENESTRATE 1/31 ORPHEUM</p>	<p>EL TEN ELEVEN WITH SLOW MAGIC & THEM SAVAGES 1/31 the green room</p>	<p>portland cello project WITH ALIALUJAH CHOIR 2/6 Coconino Center for the Arts</p>
<p>that 1 guy WITH WOLFF 2/7 Coconino Center for the Arts</p>	<p>GRUPO FANTASMA WITH MUEVETE 2/8 the green room</p>	<p>IN FLAMES WITH DEMON HUNTER, ALL SHALL PERISH & BATTLECROSS 2/12 ORPHEUM</p>	<p>LEFTOVER SALMON 2/23 ORPHEUM</p>
<p>Natty Vibes 2/28 the green room</p>	<p>WONDER MOUNTAIN STRING BAND 3/14 ORPHEUM</p>	<p>Rebelution WITH 1 BOOG & HOT RAIN 3/30 ORPHEUM</p>	<p>STEVE FORBERT 4/7 Coconino Center for the Arts</p>

SHOWDOWN WITH ADEQ: CITIZENS FIND SNOWBOWL WASTEWATER VIOLATIONS

BY KYLE BOGGS | kyle@undertheconcrete.org

On December 26, two days after Arizona Snowbowl began making snow artificially from reclaimed wastewater, concerned citizens **Rudy Preston** and **Kathleen Nelson** filed a complaint, along with photographs as documentation, that Snowbowl was violating state laws as well as not complying with many provisions outlined in its wastewater contract with the **City of Flagstaff**. The complaint was filed with both the City and **Arizona Department of Environmental Quality**.

On Tuesday, January 15, Flagstaff City Council voted unanimously to fully investigate the complaint. Likewise, ADEQ responded to the complaint on January 23.

After more than a decade of lawsuits and staunch resistance from environmental groups, concerned citizens, and Indigenous Nations, it would seem that the moment the snowmaking machines were fired up would be a moment to celebrate for Snowbowl ownership. As a recent *New York Times* headline suggests, however, "Discolored Slopes Mar Debut of Snowmaking Effort," the artificial snow was yellow.

As the same article continues, "The discolored snow has sharpened an already fraught conflict." While Snowbowl's general manager **J.R. Murray** has chalked the discoloration up to rusty residue in the new pipes, which carry the wastewater up the mountain from Flagstaff's Rio de Flag treatment facility, others regard this as one of many ways the resort has and continues to evade responsibility in complying with state law and many of the provisions of its contract with the City.

In short, though the issue of yellow snow on the Peaks was covered by local and national media, the focus of the complaint has nothing to do with what the snow looks like. "We did not file it because of the yellow snow," said Mr. Preston. "We filed it because the Snowbowl is violating the terms of their contract with the city and also numerous State environmental laws."

After Mr. Preston and Ms. Nelson formerly presented their complaint to ADEQ along with their graphic evidence on January 23, the following response was given: "We did receive your complaint ... the process is that if we receive an environmental complaint ... we look into it." A physical inspection of Snowbowl was conducted looking at "the alleged violations in the complaint" alongside "compliance of rules and regulations."

Ultimately **Daniel Czecholinski**, ADEQ Water Quality Compliance Inspector, said his department is "not going to make a statement on factual conclusions until we issue this inspection report and I'm certainly not going to make a statement on how the rule is interpreted and I couldn't even do that anyway because I don't have the rule in front of me."

While neither Mr. Czecholinski nor ADEQ Communications Director **Mark Shaffer**, when asked, would comment on the parameters of the department's inspection — whether water quality tests would be conducted or if the field survey would be its sole criteria — the department is mandated to release its inspection report in 30 working days. "When it's finalized," continued Mr. Czecholinski, "We'll send it out to all interest-

ed and responsible parties. It also becomes public record at that point."

During the city council meeting at which the complaint was presented, Ms. Nelson emphasized the fact that because Snowbowl does not have its own permit through ADEQ to use reclaimed wastewater — that in fact, Snowbowl's use of reclaimed wastewater falls under the City's umbrella of users designated in its permit. "It is the City's job to enforce the terms of that permit," she said. "The city is liable to lose its permit with ADEQ ... It's important that the City looks carefully at this for that reason ... We are the permit holders."

Under the City of Flagstaff's wastewater contract with Snowbowl, it states, "**End user shall strictly comply with all the following requirements: Provide and install sufficient signage reading 'Snow made with Reclaimed Wastewater, do not eat the snow or drink melted snow' or similar warnings. Such signs shall be prominently displayed at each reuse site.**"

The complaint contends that "not one sign was observed anywhere at the ski area that contains the above wording." Instead, after hours of looking around, two 8x8" purple signs were found ten feet off the ground that stated, "In order to conserve natural resources, reclaimed water used for snowmaking. Do not ingest." Aside from this wording, which is not similar to the wording quoted in the contract, those who brought the complaint argue that the wording is manipulative in two ways. First, the word "waste" is left off, which they say downplays the threat and legality of ingestion of this water.

Second, the wording is articulated through a kind of rhetoric of conservation, which is not a new practice in Arizona. Considering, however, recent and ongoing studies that have revealed the presence of pharmaceuticals, hormones, industrial and household toxins, endocrine disruptors and antibiotic resistant bacteria, it's clear that those who penned the complaint see this as pollution masked as conservation.

But their concerns run deeper into the larger discourse around this water source in the West. "**The words 'reclaimed wastewater' and even worse, 'reclaimed water' in itself is an issue since the legal term for this water is 'treated sewage effluent.' By renaming it, the City has diminished the warning to be almost meaningless,**" so says the complaint.

Regarding proper signage, the city's contract also stipulates where signs should be located. "Such signs shall be placed at all logical points of entry to each reuse site, at the entrance to all lakes and ponds at each reuse site, at all pumping outlets and at all hose bibs providing Reclaimed Wastewater." The complaint follows that no signs were visible at any of these areas or entry points, including the Hart Prairie and Sunset lifts, ticket booths, ski school entry points, nor were signs found anywhere near snowmaking equipment or the storage pond.

The "most egregious" of issues related to signage, as the complaint follows, is in regard to an area where children play and roll around in the snow, which was also free of signs. "When parents were asked if they knew what the snow was made from, many stated they didn't know and made faces of disgust." As Mr. Preston made clear during the city council meeting, however, the signage issue is "the smallest portion of [the] complaint."

The complaint further follows an argument raised in court on more than one occasion (*Save the Peaks et al. v US Department of*

Agriculture and Hopi Tribe v. City of Flagstaff), but never directly addressed by judicial ruling. The contract with the City states: "**Reclaimed wastewater delivered under this agreement shall not be directly or indirectly utilized or transferred for any uses other than snowmaking.**"

Although "snowmaking" is specifically covered under the contract of acceptable uses, the complaint exposes the fragility of the legal language in asserting that it is "recreational skiing" that is actually the "direct end use" of this substance, as is "sitting in, rolling around in, and sledding in the reclaimed wastewater snow."

Such activities like swimming, wind surfing, water skiing, or other activities, which constitute "full-immersion" are prohibited by state law. The complaint makes the case that skiing and other related activities "are immersive" and "have a very likely potential for ingestion through the eyes, nose, mouth, ears, and skin."

Along this same line of thinking is the consideration of sanitation as it relates to eating areas. Under state law, a permittee shall "**prevent reclaimed wastewater from coming into contact with drinking fountains, water coolers, or eating areas.**"

It should come as no surprise that, according to the complaint, "Skiers were observed tracking treated wastewater into and throughout the lodge and eating areas and additionally were observed with reclaimed wastewater on their clothes and gloves using and touching water fountains."

The trouble of course is all the uncertainty raised through an exploration into these questions. When reclaimed wastewater snow mixes with the regular snow, is it diluted enough to pose a risk? Considering that on some days, reclaimed wastewater snow is the top layer, and other days it functions as a base layer, how can laws really account for concrete notions of exposure? Considering that reclaimed wastewater is not one homogenous thing, that the day-to-day compounds found in the water is in constant flux, should there be systems in place that account for days where the water is proven to be unsafe?

A recent *Mother Jones* article uses the issue of snowmaking at Snowbowl as a frame to talk about the growing use of sewage recycling, particularly in this region. "Population growth and climate change mean that water is becoming ever more scarce in the Southwest." The article states that the "**Environmental Protection Agency estimates that the United States reclaims about 8% of its sewage water; four states — Arizona, California, Florida, and Texas — are responsible for as much as 90% of that figure.**"

In her statement to Flagstaff City Council, Ms. Nelson introduced the larger implications of using this water, beyond Snowbowl, and beyond Arizona. She said, "The more we're using this reclaimed wastewater, the more we need to be ensuring that it is being used in a safe and proper method."

As much as the complaint might come across to some as nitpicking the wording of contractual and state law, the implications go far beyond the details, and address the rapid and on-going toxification of our total environment. The City of Flagstaff, and the practices of Snowbowl, has the nation's attention. Decisions made here should be made with intention, framed with ideas of what direction we want to move — toward a sane and sustainable future with respect for those natural water systems that we owe our lives? Or one that is increasingly toxic? ☹



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