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May 26, 2010

VIA U.S. MAIL and ELECTRONIC MAIL

Mr. Benjamin H. Grumbles
Director
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, Arizona 85007

Re: Executive Summary of Roosevelt Irrigation District's Early Response Action

Dear Mr. Grumbles:

Many issues have been raised regarding Roosevelt Irrigation District's (RID) planned Early Response Action (ERA) to address groundwater contamination impacting a portion of the RID water supply and wells in the West Van Buren Area (WVBA) WQARF Site. RID is submitting separate detailed responses to the Arizona Department of Water Resources and to the comments submitted on the ERA Work Plan, predominantly from those parties identified as potentially responsible parties (PRPs) for the groundwater contamination. RID is submitting this letter to clearly summarize the rationale and benefits of the ERA because the PRPs' misinformation has obscured the fact that the ERA, voluntarily submitted by RID for ADEQ's approval, is reasonable, cost-effective and technically feasible to protect RID's threatened wells, to restore a portion of RID's impacted water supply, to protect the public health, welfare and environment, and to begin addressing the widespread groundwater contamination of the WVBA.

RID's pumping of its wells within the WVBA is not optional.

RID has been in operation for nearly a century and relies on this groundwater supply to meet critical water needs. RID has no option but to continue to pump wells from within the WVBA and in fact pumped 25 billion gallons of groundwater from 30 wells in the WVBA in 2009. Twenty of RID's wells, with a pumping capacity in excess of 50,000 gpm, are currently impacted by hazardous volatile organic compounds (VOCs) released at PRP facilities.

RID developed the ERA based on sound professional judgment and accepted standards of practice.

As an injured party, RID is entitled to the full protection of Arizona's laws and the WQARF program regulations to restore and protect the loss or impairment of this vital resource for use by RID's customers and the growing communities within the RID service area. The ERA is predicated on the scientific understanding of the extent and occurrence of groundwater contamination, which ADEQ has documented during its 20 years of investigation. The ERA also was based on the impact of the groundwater contamination on RID's wells and well field operations based on extensive review of RID's system configuration, pumping requirements, water operations, and system demands.

RID requires timely action be taken to mitigate the impacts of hazardous substances in groundwater on RID's wells, water supply, and water operations.

The ERA is not a final remedy, which must undergo a more rigorous and formal process established by the WQARF program's regulations. The ERA is a well protection and restoration initiative designed to remove and capture hazardous substances from groundwater impacting the most-contaminated RID wells. The ERA utilizes the 10 most highly-contaminated RID wells in the center of the plume to optimize mass removal and prevent the groundwater contamination from spreading to RID's 11 wells that have not been impacted but are legally deemed to be "threatened." The ERA will include well modifications and a priority pumping regimen to assure that the 10 RID wells under the ERA will only be pumped from contaminated zones and to seal off clean intervals at depths to prevent contamination of deeper aquifers. The ERA predominantly uses existing pipelines to convey a nominal 20,000 gpm of contaminated groundwater (compared to the nearly 80,000 gpm of impacted/threatened groundwater that could legally be addressed by the ERA) to a new central groundwater treatment facility located on land currently owned by RID. Under the ERA, dual-stage granular activated carbon (GAC) will reliably treat the water to remove VOCs to levels acceptable for all reasonably foreseeable uses, including drinking water. Discussions with ADEQ confirm that VOC removal by GAC is considered the best available control technology to safeguard and prevent system failures that could affect public health.

Implementation of the Early Response Action will protect public health, welfare and the environment and will enhance the control, management, and cleanup of the groundwater contamination (see Figures 1 and 2).

While the ERA is not a final remedy, the ERA will address about 95 percent of the contamination impacting the RID well field and therefore greatly reduce the cost of subsequent actions to address all of the other impacted or threatened RID and non-RID wells in the WVBA.

As a result of the ERA's priority pumping regimen, the ERA will begin enhancing groundwater cleanup of the WVBA by removing VOC mass from the 10 most highly-contaminated RID wells. The VOC mass removal and treatment will eliminate the uncontrolled release of VOCs

from these wells, which is consistent with legally applicable or relevant and appropriate requirements of the WQARF program to protect public health, welfare and the environment.

As a result of the ERA's priority pumping regimen, the 10 most highly-contaminated wells, which are currently only pumped to meet higher seasonal irrigation demands, would be continuously pumped (only falling off in November and December) based on existing water demands. This relatively constant pumping will maximize hydraulic capture in the core of the plume while substantially reducing the pumping of RID's threatened peripheral wells. This reduction in pumping of RID's threatened peripheral wells will limit the potential lateral spread of the groundwater contamination. Additionally, well modifications will be implemented to only pump RID's 10 most highly-contaminated wells from contaminated zones and seal off clean intervals at depths to prevent cross contamination of deeper aquifers.

RID's ERA does not Bypass the Feasibility Study, but will Provide Critical Information to Assist in the Selection of a Final Remedy at the WVBA

During the implementation of the ERA, RID will be obtaining data that will be critical to the development of a long-term final remedy that will be selected during the Feasibility Study (FS) process, as set forth in the WQARF program's regulations. According to RID's written agreement with ADEQ, RID intends to proceed with the FS on a parallel path with the ERA's implementation. RID welcomes all stakeholders to establish a WVBA working group for the FS development. RID strongly believes the FS process will be substantially less complicated and adversarial as a result of implementing the ERA. Therefore, there is a greater likelihood that all interested stakeholders can reach an acceptable "proposed" Final Remedy that can be implemented without delay.

ADEQ's Role in Cleaning Up the WVBA Groundwater Contamination

As demonstrated by the written agreement between RID and ADEQ, RID intends to continue a working partnership with ADEQ to address one of the largest groundwater contamination plumes in the United States that has its origins from historical and widespread releases of hazardous substances from quite possibly hundreds of PRPs in the WVBA Site, West Central Phoenix Area WQARF Site, and Motorola 52nd Street CERCLA Site. As a result of ADEQ's budget constraints, ADEQ does not have the financial or personnel resources to investigate all PRPs, to prove individual PRP allocations, to pay the contribution of all "orphan shares", to implement the remedy and to pursue cost recovery under the WQARF program. Under this scenario, the remedy may never be implemented.

RID is implementing this ERA to initiate the immediate actions that are needed to alleviate the current impacts to RID's water operation and the current risks to public health. If the ERA is not implemented, RID, having no alternative water supply, would have to continue to accept the contaminated water into its system along with the accompanying use restrictions and liabilities while the public remains exposed to uncontrolled releases of thousands of pounds of VOCs every year for a lengthy, indeterminate, and possibly indefinite time. For that reason, RID has

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volunteered to work with ADEQ to implement a reasonable, cost-effective and technically feasible ERA, work toward a Final Remedy through the FS process, and pursue cost-recovery from the PRPs responsible for the groundwater contamination.

RID also intends to work with ADEQ and settling PRPs to enter into a consent decree that can provide the settling parties with contribution protection and releases of claims from ADEQ and RID. These settlements are consistent with the purpose of the CERCLA and WQARF programs and, together with outside funding, will enable timely implementation of the ERA.

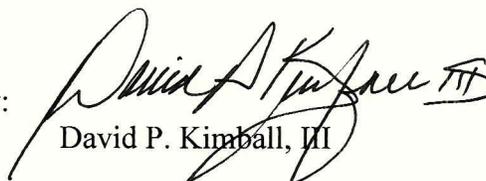
In summary, RID asserts that ADEQ will be acting in the public interest by approving the ERA Work Plan, which RID believes is mandated by the WQARF program's regulations. Approval of the ERA will enable an early response to protect and provide a treated water supply to RID, which is the victim of the groundwater contamination. The ERA also will protect public health, welfare and the environment and will enhance the control, management and cleanup of the groundwater contamination. RID's ERA will allow ADEQ and the State of Arizona to avoid complex, costly, and lengthy litigation that will result in the State of Arizona having to pay for significant "orphan" shares. Lastly, ADEQ's support of the ERA will demonstrate ADEQ's resolve to address groundwater contamination and mitigate environmental concerns at the largest WQARF site in the state.

We are available to discuss any questions or concerns ADEQ may have with the proposed ERA.

Very truly yours,

GALLAGHER & KENNEDY, P.A.

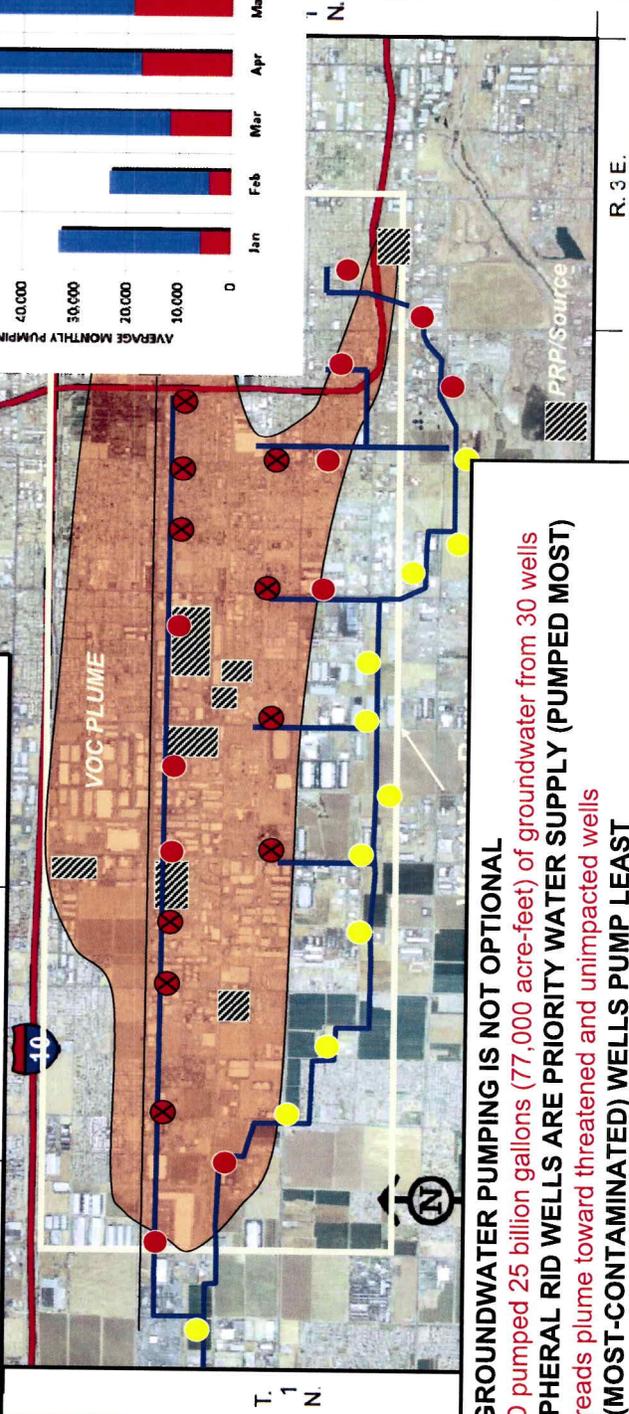
By:


David P. Kimball, III

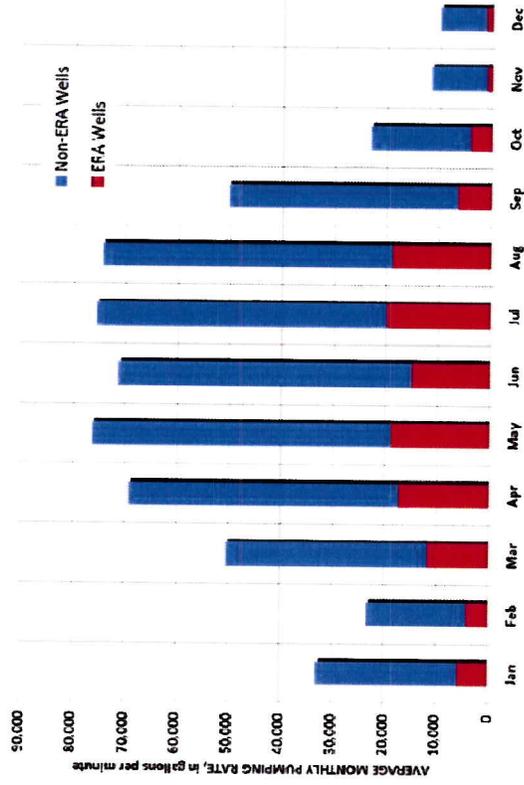
cc: Henry Darwin, ADEQ
Amanda Stone, ADEQ
Julie Riemenschneider, ADEQ
Kevin Snyder, ADEQ
Stan Ashby, RID
Sheryl Sweeney, Ryley Carlock & Applewhite
Dennis Shirley, Synergy Environmental

WEST VAN BUREN WQARF SITE: 2009 CONDITIONS

RID WELL FIELD	GROUNDWATER PUMPED (billion gallons)	ESTIMATED VOC MASS REMOVED (pounds)
ERA Wells (10)	5.5	2,800
All Other Wells (20)	19.5	600
TOTALS	25	3,400



2009 RID GROUNDWATER PUMPING IN WVBA SITE



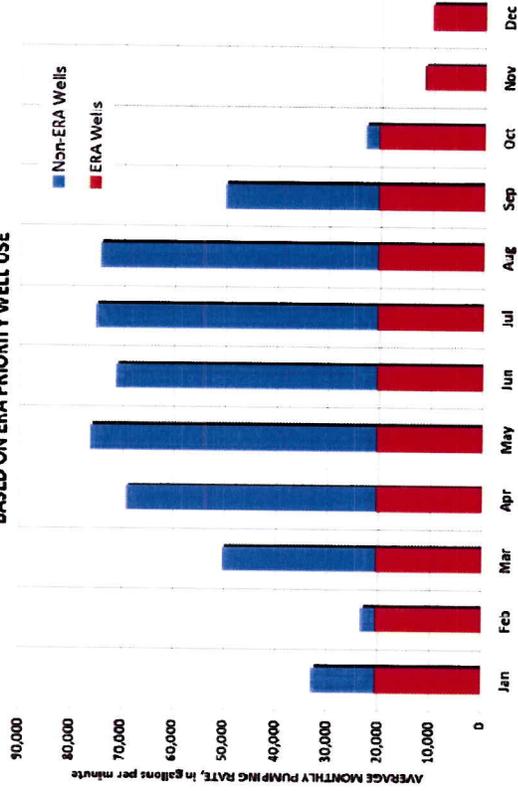
- RID GROUNDWATER PUMPING IS NOT OPTIONAL
- PERIPHERAL RID WELLS ARE PRIORITY WATER SUPPLY (PUMPED MOST)
 - Spreads plume toward threatened and unimpacted wells
- ERA (MOST-CONTAMINATED) WELLS PUMP LEAST
 - Limits capture of contaminants
- "DEEP" WELLS ARE OFF ~ HALF OF YEAR
 - Causes potential "conduit flow" and cross-contamination of underlying groundwater
- UNCONTROLLED RELEASE OF ~3,400 POUNDS OF VOCs
 - Threat to public health and welfare

EARLY RESPONSE ACTION IMPLEMENTATION ASSUMING 2009 RID WATER DEMAND

RID WELL FIELD	GROUNDWATER PUMPED (billion gallons)	ESTIMATED VOC MASS REMOVED (pounds)
ERA Wells (10)	10	5,228
All Other Wells (20)	15	292
TOTALS	25	5,520



RID GROUNDWATER PUMPING IN WVBA SITE
BASED ON ERA PRIORITY WELL USE



- ERA WELLS PUMPED NEAR CONTINUOUSLY (AVERAGE MONTHLY RATE OF ~ 19,000 GPM)

- Enhances capture of contaminants and VOC mass removal

- PERIPHERAL WELLS PUMPING REDUCED

- Limits spreading of contamination and protects threatened and unimpacted wells

- “DEEP” WELLS SEALED-OFF AND PUMP ONLY FROM CONTAMINATED ZONE

- Prevents vertical flow of VOCs to “clean” aquifers below plume

- REMOVES ~ 5,200 POUNDS OF VOCs THROUGH TREATMENT

- Protects public health & welfare

- ERA ADDRESSES 95% OF CONTAMINATION IMPACTS TO RID WELL FIELD

- Significantly limits and minimizes subsequent actions required for other impacted RID wells