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December 23, 2014

VIA EMAIL AND FIRST CLASS MAIL

Ms. Tina Le Page (tl1@azdeq.gov)
Manager
Remedial Projects Section
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 785007

Ms. Danielle Taber (dt3@azdeq.gov)
Arizona Department of Environmental Quality
Waste Programs Division
1110 West Washington Street
Phoenix, AZ 85007

Re: Request for Extension of Comment Period

Dear Mss. Le Page and Taber:

This letter is written on behalf of Salt River Project Agricultural Improvement and Power District, Honeywell, International, Inc., Univar USA, Inc., Dolphin, Incorporated, the City of Phoenix and Prudential Overall Supply, Inc. Each of the foregoing entities are members of the West Van Buren Working Group and have significant interests in the remedy selection process for the West Van Buren WQARF site. On December 2, 2014, ADEQ provided notice of availability and a thirty (30) day public comment period for the draft feasibility study prepared by the Roosevelt Irrigation District (RID).

The foregoing entities are submitting either individual or joint comments to ADEQ on the draft RID feasibility study. However, because the close of the comment period falls within the year-end Holiday season, we are finding difficulty obtaining the appropriate management approval of comments by the deadline imposed by ADEQ. We therefore request that ADEQ extend the deadline for two weeks or until January 14, 2015.

Please let me know at your earliest convenience whether ADEQ will grant this brief extension.

Many thanks for your consideration.

Sincerely,



David J. Armstrong

cc: Laura Malone (llm@azdeq.gov)
Anthony Young, Assistant Attorney General (Anthony.Young@azag.gov)
Counsel for above members of WVBWG

DMWEST #11603165 v1

Danielle R. Taber

From: Kimball III, David P. <DPK@gknet.com>
Sent: Wednesday, December 10, 2014 10:44 AM
To: Henry Darwin
Cc: Laura L. Malone; Tina LePage; Danielle R. Taber; Tamara Huddleston (tamara.huddleston@azag.gov); Anthony.Young@azag.gov; 'Donovan Neese'; Dennis H. Shirley (dennis.shirley@syn-env.com); Scott R. Green; Kimball, Stuart S.
Subject: Follow-up to November 19, 2014 Meeting

Henry:

RID wanted to follow-up on certain issues that were discussed during its meeting with you, other ADEQ staff and representatives from the Attorney General's Office on November 19, 2014 regarding RID's Draft WVBA WQARF Site FS Report. During that meeting, Tony Young of the Attorney General's Office confirmed that Ariz. Admin. Code (AAC) R18-16-413.A requires an applicant to submit all of the listed regulatory elements in a "written request" for ADEQ approval of "any remedial action" (including an FS Report) under the WQARF Program. Accordingly, ADEQ agreed to remove from its WQARF remedial action checklist the inaccurate statement that one of the mandatory listed elements in R18-16-413.A was "Not Applicable for FS Report" and the "Not Applicable" box. To date, no confirmation has been provided by ADEQ or the Attorney General's Office that such actions have been taken.

At that same meeting, ADEQ informed RID that ADEQ would be meeting later that day with the West Van Buren Working Group to discuss issues relating to their FS Report and checklist. Tony Young confirmed that the Working Group's checklist was incorrect in stating that it was "unknown" as to whether the Working Group was seeking "approval for the FS report ... pursuant to A.A.C. R18-16-413." Tony agreed that the Working Group's Agreement to Conduct Work with ADEQ, dated January 15, 2013, clearly states that the Working Group desires approval of its FS Report pursuant to R18-16-413. ADEQ agreed to confirm whether the Working Group intended to comply with the Agreement to Conduct Work and seek ADEQ's approval (and thus fully comply with the mandatory requirements of R18-16-413) or whether the Working Group no longer desired ADEQ's approval. If the Working Group is no longer seeking ADEQ's approval pursuant to R18-16-413, then ADEQ should not spend its limited time and resources reviewing the Working Group's FS Report. Based on the recent submittal of its Revised FS Report to ADEQ, it would appear that the Working Group is not seeking ADEQ's approval pursuant to its Agreement to Conduct Work and R18-16-413 because the Working Group has failed to submit the required "written request" with all the mandatory elements in R18-16-413.A. Please provide RID with an update on whether the Working Group is seeking ADEQ's approval of its Revised FS Report. If approval is being sought, please provide an explanation why no "written request" containing the mandatory listed elements pursuant to R18-16-413 has been submitted, as required by state law, and what are ADEQ's intentions regarding the Revised FS Report submitted by the Working Group.

On another note, RID was informed that the Attorney General's Office would be providing a summary document of any unilateral discussions that the Attorney General's Office had with any members of the Working Group regarding the FS Reports. As you know, such communications would violate the specific protocols established by ADEQ for the review of the two FS Reports. Please inform RID of the status of this summary report and when it may be available to the public.

Dave

Gallagher&Kennedy
2575 E. Camelback Road, Suite 1100

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Danielle R. Taber

From: Tina LePage
Sent: Wednesday, December 03, 2014 4:52 PM
To: Danielle R. Taber
Subject: FW: West Van Buren FS Reports [FC-Email.FID588218]

Danielle –

Please add Mr. Ames' email to the project file.

Thanks,

Tina LePage, Manager
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From: AMES, SCOTT [<mailto:SAMES@fclaw.com>]
Sent: Wednesday, December 03, 2014 12:40 PM
To: Tina LePage
Cc: Tony Young (anthony.young@azag.gov)
Subject: West Van Buren FS Reports [FC-Email.FID588218]

Tina,

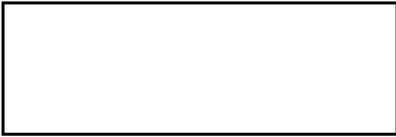
On October 24, 2014, you sent letters to the Roosevelt Irrigation District and the West Van Buren Working Group notifying both parties that additional information was needed before ADEQ could consider either of the reports "administratively complete." You also requested that the supplemental information be submitted to ADEQ within 20 days of the date of your letter.

Please forward to me copies of those submittals or have them posted to the ADEQ website. ADEQ has noticed a 30 day comment period pertaining to both FS reports and the additional information submitted by the parties may factor into my assessment of the reports and any comments I may have.

Thanks,

Scott

[Scott K. Ames](#) | [Fennemore Craig, P.C.](#)
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Danielle R. Taber

From: Jerry Worsham <JWorsham@rhlfirm.com>
Sent: Wednesday, December 03, 2014 10:01 AM
To: Tina LePage
Cc: Laura L. Malone; Ana I. Vargas; Anthony E. Young (anthony.young@azag.gov); Danielle R. Taber; Wendy Flood
Subject: ADEQ Public Hearing on Competing WVB Feasibility Study Reports (December 1, 2014)
Attachments: RSCelib-#439025-v2-RID_Modified_ERA_Operational_Timeline.pdf; ADEQ - Meeting Agenda 12-1-2014.pdf

Tina et al:

I submitted formal comments to ADEQ on behalf of Meritor, Inc. yesterday and was prepared to make them at the hearing on 12/1/2014 but was informed by ADEQ beforehand that it wasn't likely that time would be allowed for much Public Comment. The attached meeting Agenda indicated that the ADEQ's meeting was to present the technical aspects of the two competing Feasibility Study (FS) Reports. I was allowed to briefly discuss the attached "RID Modified ERA Operational Timeline". If ADEQ had announced in the Public Notice of the Agenda and allowed more than two hours total for the meeting, including General Comments from the Public, then I predict that about fifteen people would have made formal comments on the RID's FS to contrast and attack the RID's Feasibility Study Report submission. In reality, what happened was that certain members of the Citizens Advisory Board (CAB) asked some pretty pointed questions to the WVBFS Group's representative asking about comparison of the two FS reports and other questions of legal authority or Public Policy and one person repeatedly brought up Environmental Justice issues. I assume the formal record reflects the pointed questions and responses.

I believe that Scott Zachary @ Haley & Aldrich was not authorized to speak for the WVBFS Group at the Public Hearing (outside of technical issues) and he was not authorized or prepared to review the RID's Draft Feasibility Study for any comparison purpose. I know he was not authorized to speak on behalf of Meritor, Inc. He was left hanging out there and someone from ADEQ with authority should have stated for the record that Scott Zachary was only there to describe the WVBFS Group's Feasibility Study and the process and that ADEQ did not indicate that members of the WVBFS Group, RID or the general public could provide substantive comments or legal comparison. It was very uncomfortable to watch from the gallery and someone from the Public would have felt uncomfortable standing up to make that point. Some members of the Public could be left with the impression that the WVBFS Group's Feasibility Study Reports was not credible.

I think that ADEQ could/should let the Public know that the Public Comment period is now open, that Public Comments are welcome, that comments or questions raised by the CAB Members at the hearing can be formally addressed and that the record created by the Public Hearing was to inform the CAB Members of two competing Feasibility Study (FS) Reports not to represent ADEQ's support or opposition to either Feasibility Study Report. I don't fault anyone at ADEQ but I believe the CAB Members became more involved than anyone imagined-at least from the ADEQ Meeting Announcement.

Some appropriate response from ADEQ would help resolve any concerns from the regulated community about what transpired at the December 1, 2014 Public Hearing. Maybe a second Public Hearing to allow members of the WVBFS Group, RID or the general public to provide substantive comments or legal comparison is one option.

Jerry

Jerry D. Worsham II
Member

Ridenour Hienton, P.L.L.C.

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From: Jerry Worsham

Sent: Monday, December 01, 2014 2:22 PM

To: Tina LePage

Cc: Laura L. Malone (Malone.Laura@azdeq.gov); Ana I. Vargas (Vargas.Ana@azdeq.gov); Anthony E. Young (anthony.young@azag.gov)

Subject: RID Modified ERA Operation Timeline

Tina et al.:

I will be attending the ADEQ hearing today on the Draft Feasibility Studies (FS) by the Roosevelt Irrigation District (RID) and the West Van Buren FS Group. These presentations are required for the CAB/public to understand the conflicting FS issues. I will be submitting comments (including the attachment) on behalf of Meritor, Inc. if time allows or giving them to you in person afterward. Thanks for setting this up.

The RID's operating history with the four MERA wells is attached. This operational information is based on RID's initial presentation to ADEQ at the start of their MERA wells, operational history derived from the RID's Monthly Reports of Operation and postings on their previous website related to well by-pass/shutdowns. Recently, RID took down the Monthly Reports of Operation information. I am submitting this "RID Modified ERA Operational Timeline" for the official record and please make copies if you think it is required.

Apparently, RID believes that "actual operation" of the well head treatment systems is not a condition of the conditional MERA approval by ADEQ since they have been in shutdown/by-pass mode for most of the operational history! I suggest that RID's failure to operate the MERA wells would go against ADEQ adopting the RID's FS in comparison to the FS proposal by the West Van Buren FS Group.

Jerry

Jerry D. Worsham II

Member

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From: Jerry Worsham

Sent: Thursday, November 13, 2014 2:56 PM

To: 'Tina LePage'

Cc: Laura L. Malone (Malone.Laura@azdeg.gov)

Subject: FW: RID's Monthly Report of Operations

Tina:

RID has now removed their Monthly Report of Operations from the West Valley Cleanup Coalition Website.

<http://www.wvgroundwater.org/contractorsupplierdocuments>

Would ADEQ put the RID's MERA Monthly Reports on the ADEQ Website from February 2012 to the present? The first RID MERA Well # 95 was put into service on February 6, 2012. RID MERA Wells # 89, 92 and 114 were brought into service on May 22, 23 and 24, 2012. The public should know if they are operating and the information supplied as part of their monthly reporting obligation to ADEQ.

Jerry

Jerry D. Worsham II

Member

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MEETING AGENDA

STATE OF ARIZONA • OFFICIAL NOTICE OF PUBLIC MEETING

Pursuant to A.R.S. §38-431.02, the Arizona Department of Environmental Quality announces a open public meeting of the West Van Buren Water Quality Assurance Revolving Fund (WQARF) Registry Site Community Advisory Board (CAB).

Monday, December 1, 2014

6 p.m. – 8 p.m.

**Arizona Department of Environmental Quality, Room 250
1110 W. Washington Street, Phoenix, AZ 85007**

AGENDA:

1. Welcome and Introductions
2. Acceptance and/or changes to April 2013 Meeting Minutes - CAB Co-Chair
3. Repository Location Update – Wendy Flood, ADEQ
4. Roosevelt Irrigation District - Draft Feasibility Study Presentation for the West Van Buren WQARF Site
5. West Van Buren Working Group – Draft Feasibility Study Presentation for the West Van Buren WQARF Site
6. *Call to the Public
7. Future Meeting and Agenda Items Discussion
8. Adjournment

*This is the time for the public to comment. Members of the board may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), actions taken as a result of public comment will be limited to directing staff to study the matter, responding to criticism, or rescheduling the matter for further consideration and decision at a later date.

For additional information about this meeting, contact Wendy Flood at (602) 771-4410, or (800) 234-5677, ext. 6027714410. A copy of the agenda and background material provided to the CAB is available for public inspection at 1110 West Washington, Phoenix. Persons with disabilities may request a reasonable accommodation by calling (602) 771-4189, or (800) 234-5677, ext. 6027714189.

Si desea esta información en Español, por favor llame al (602) 771-4189 ó sin tarifa al (800) 234-5677 y marque el número 2 para Español.

Posted 11/14/2014 wv1

Jerry Worsham

From: Laura L. Malone <Malone.Laura@azdeq.gov>
Sent: Wednesday, November 12, 2014 2:33 PM
To: Klein, Mitchell; Karen Gaylord; 'Young, Anthony'; Kimball III, David P.; Kimball, Stuart S.
Cc: 'Judith.Heywood@aps.com'; 'Jenn.Mccall@freescale.com'; 'CConsoli@lrrlaw.com';
'btravers@allwynenvironmental.com'; 'joe.drazek@quarles.com';
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'Ken.Miller@pinnaclewest.com'; 'tsuriano@clearcreekassociates.com';
'jbarkett@shb.com'; 'Roger Strassburg'; Dennis H. Shirley (dennis.shirley@syn-env.com);
Joel Peterson (joel.peterson@syn-env.com); DNeese@rooseveltirrigation.org;
phendricks@cox.net; Tina LePage; Danielle R. Taber; Henry Darwin
Subject: WVB Feasibility Study Reports

Good afternoon,

In emails dated October 24, 2014, ADEQ provided comments to the WVBWG and RID regarding the "Administrative Completeness Review" conducted for both FS reports. In those communications, ADEQ requested information be submitted by November 13th. Since that time, it was suggested (and both parties agreed), that a face-to-face legal/technical meeting would help facilitate the discussions on the checklists. Separate meetings have been scheduled for next week and both technical staff and attorneys are welcome to attend. Due to this change, ADEQ is extending the deadline for submitting information requested in the checklists to **COB Wednesday, November 26th**. This will give both parties sufficient time to submit information after their respective meeting. However, in order to be as productive as possible, I am requesting advanced notice of your particular questions/concerns regarding the checklists. So, if you have not already submitted comments, bullet points or other information, please do so by COB Thursday, November 13th. Providing detailed information by the deadline will allow ADEQ time to review and come prepared to discuss the issues.

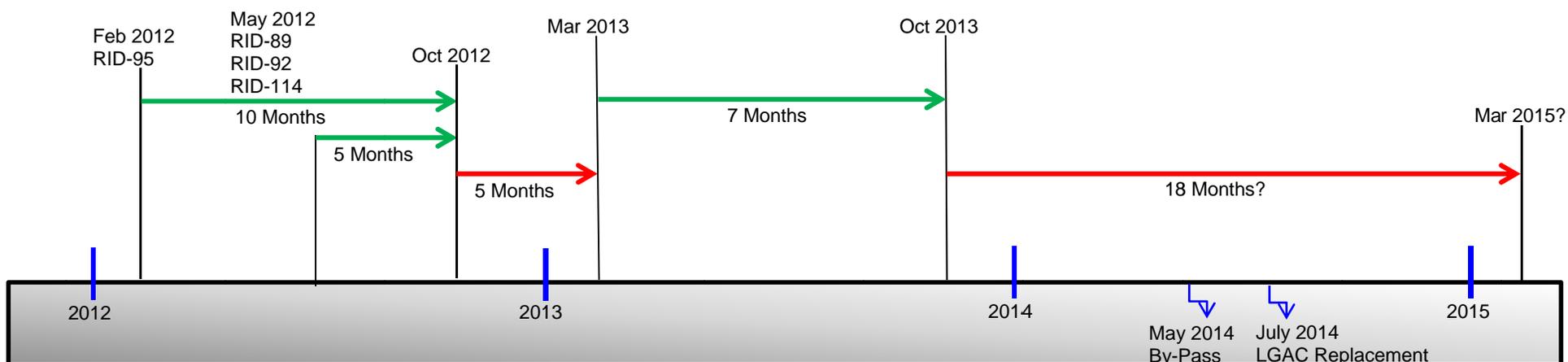
Please let me know via email if you have any questions.

Thanks

Laura

Laura L. Malone, Director
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ROOSEVELT IRRIGATION DISTRICT MODIFIED EARLY RESPONSE ACTION OPERATIONAL TIMELINE

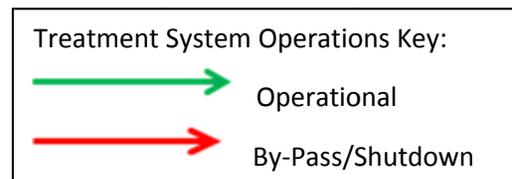


According to the RID’s revised O&M Plan (October 2014 -Revision 4) at page 21:

“Based on carbon change out frequencies for each of the well head treatment systems to date, the estimated LGAC change-out schedule per vessel at each MERA site is included below:

4 MERA Wells have 9 Skids/18 Vessels LGAC:

- RID-89:** 4-5 months of operation
- RID-92:** 2-3 months of operation
- RID-95:** 2-3 months of operation
- RID-114:** 5-6 months of operation”



Carbon change out costs for one vessel is at least \$16,000.00 per vessel. (Source: RID’s Request for Reimbursement under ARS 49-282 (E) (11) to ADEQ including the chart titled “Reimbursement for Remedial Action Costs/Roosevelt Irrigation District”)