

Danielle R. Taber

From: Laura L. Malone
Sent: Monday, November 03, 2014 3:46 PM
To: Danielle R. Taber
Subject: FW: ADEQ Administrative Completeness Review

For the website.

Laura

From: Kimball III, David P. [<mailto:DPK@gknet.com>]
Sent: Thursday, October 30, 2014 1:40 PM
To: Laura L. Malone
Cc: Dennis H. Shirley (dennis.shirley@syn-env.com); joel.peterson@syn-env.com; DNeese@rooseveltirrigation.org; phendricks@cox.net
Subject: ADEQ Administrative Completeness Review

Laura:

Could you please provide RID with the name of the appropriate ADEQ contact (and contact information) who could clarify the specific nature of the “missing required elements” identified in ADEQ’s recent “Administrative Completeness’ Review of [RID’s] draft Feasibility Study Report” letter, dated October 24, 2014?

Thanks.

Dave

Gallagher&Kennedy

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David P. Kimball III
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Danielle R. Taber

From: Laura L. Malone
Sent: Thursday, October 30, 2014 2:35 PM
To: Kimball III, David P.; 'mjklein@polsinelli.com'; 'dennis.shirley@syn-env.com'; 'gailclement@earthlink.net'; 'btravers@geosyntec.com'
Cc: Tina LePage; Danielle R. Taber
Subject: WVB FS - ADEQ Administrative Completeness Review

ADEQ has been asked what the procedure is if there are questions regarding the FS “Administrative Completeness Review” checklists and what specifically ADEQ is looking for. I know we have a documented procedure requiring everything in writing, however, requiring a back and forth writing campaign on these simple questions does not make sense and only delays progress. Therefore, in the interest of keeping things moving, should you have questions on what is required in response to the checklists recently sent out, please have your consultant contact Tina LePage at 602-771-4293. I consider this a special circumstance and do not anticipate future deviations to the procedure. If you have questions/comments regarding anything else, those need to be submitted in writing to my attention.

I appreciate your help in this matter.

Thanks

Laura

Danielle R. Taber

From: Danielle R. Taber
Sent: Friday, October 24, 2014 2:58 PM
To: 'Dennis H. Shirley'
Cc: Joel Peterson; David Kimball; Donovan L Neese
Subject: RE: FS report

Hello Dennis!

I believe that you can find information on Matrix via ProcureAZ (<https://procure.az.gov/bs/>) Click on "Contracts & Bid Search"

Pick Contracts/Blankets

Type in ASRAC for the Contract/Blanket Description Click "Find It"

Have a good weekend,
Danielle

-----Original Message-----

From: Dennis H. Shirley [<mailto:dennis.shirley@syn-env.com>]
Sent: Tuesday, October 21, 2014 1:24 PM
To: Danielle R. Taber
Cc: Joel Peterson; David Kimball; Donovan L Neese
Subject: FS report

Hi Danielle,

We were informed that Design Matrix Group (I believe I have that correct) will review the WVBA FS Reports. I looked at their website but was unable to clearly determine whom they have represented, other than the DOD. Do you have some document that will allow us to comprehensively review the firm's current and past client listing so we can be sure there are no conflicts of interest? Do you have such a compilation or is it included and available in the materials that Design Matrix submitted for the ASRAC RFP?

THANKS,
Dennis

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Dennis H. Shirley, PG
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Phoenix, AZ, 85028-3053
602-319-2977

Danielle R. Taber

From: Laura L. Malone
Sent: Monday, October 06, 2014 12:49 PM
To: 'Anthony Young'
Cc: Danielle R. Taber; Scott R. Green
Subject: FW: WVBA WQARF Site FS Reports

Anthony, let's talk.

Danielle, for the website.

Thanks

Laura

From: Kimball III, David P. [mailto:DPK@gknet.com]
Sent: Monday, October 06, 2014 10:53 AM
To: Laura L. Malone
Subject: RE: WVBA WQARF Site FS Reports

Laura,

Thank you for the email last Friday. We are happy to hear that ADEQ has completed the first step in the review process for both FS reports. Based on your email, it appears that the scope of ADEQ's "initial review," which included a "review of the required elements for an FS Report," was consistent with the existing statutory definition for "administrative completeness review" that is applicable to nearly all other state agency approvals. That definition, which used to apply to the WQARF program, requires that an application for approval "contains all components required by statute or rule." ARS § 41-1072.1. Although ADEQ notes that the Department's "review was beyond just the requirements listed in AAC R18-16-413," AAC R18-16-413 does require a "demonstration of how the remedial action complied, or will comply, with this Article," which includes the required elements for an FS report. For that reason, we thought ADEQ would find the charts helpful as a comparative analysis of the mandatory Arizona WQARF FS requirements, as well as the federal CERCLA remedial selection requirements, for an FS report. RID anxiously awaits the results of ADEQ's review process on both FS reports.

Dave

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From: Laura L. Malone [mailto:Malone.Laura@azdeq.gov]
Sent: Friday, October 03, 2014 5:42 PM
To: Kimball III, David P.
Cc: 'Anthony Young'; Scott R. Green; Danielle R. Taber
Subject: RE: WVBA WQARF Site FS Reports

David,

ADEQ recently completed our “administrative completeness review” for both FS reports submitted to the agency. We’re preparing our comments and will be briefing Director Darwin on our findings in the next couple of days. Although there is no statutory/rule definition in WQARF for what constitutes an “administrative completeness review”, ADEQ conducted an initial review of the required elements for an FS Report. This review was beyond just the requirements listed in AAC R18-16-413 you reference in previous emails. This may explain the difference in expectations for completing this step of the review. I appreciate your patience as ADEQ diligently works through the review process for both FS reports.

Thanks,

Laura

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From: Kimball III, David P. [<mailto:DPK@gknet.com>]
Sent: Tuesday, September 30, 2014 3:07 PM
To: Laura L. Malone
Subject: WVBA WQARF Site FS Reports

Laura,

Today marks seventy-seven (77) days since the July 15, 2014 deadline for submittal of the Feasibility Study (FS) Reports for the WVBA WQARF Site. ADEQ has yet to issue an “administrative completeness review” determination on either of the two submitted FS Reports. Seventy-seven (77) days is far beyond the former maximum time frame of 21 business days (or approximately 30 calendar days) for an FS “administrative completeness review” determination and is not far from the former maximum time frame of 63 business days (or approximately 90 calendar days) for completing the “substantive review” of an FS. As mentioned in RID’s previous correspondence to ADEQ, each day of delay results in increased contamination of RID’s water supplies and increased remediation costs incurred by RID.

As discussed in earlier correspondence to ADEQ, Arizona law requires “any person who seeks approval of a remedial action [including any FS proposed remedy] at a [WQARF] site or a portion of a site on the registry...shall submit a written request to the Department that contains all of the following:...6. A demonstration of how the remedial action complied, or will comply, with this [WQARF] Article.” AAC R18-16-413.A (emphasis added). For a feasibility study, compliance with AAC R18-16-413 requires submittal of a written request to ADEQ that includes a “demonstration of how” the “reference remedy and alternative remedies” are capable of achieving [the] remedial objectives [for the site] and...that complies with [the mandatory remedial action criteria in] ARS § 49-282.06.” AAC R18-16-407.A. Failure to provide the required written request that demonstrates how the proposed FS remedies achieve the WVBA WQARF Site remedial objectives and the mandatory remedial action criteria in ARS § 49-282.06 should preclude any “administrative completeness review” determination and any further “substantive” review of that FS for the WVBA WQARF Site.

In an effort to facilitate ADEQ’s “administrative completeness review” determination on both FS Reports, RID has attached three tables to assist ADEQ in its review that provide a comparative analysis of both FS Reports to the

mandatory Arizona WQARF FS requirements, as well as to the federal CERCLA remedial selection requirements. The CERCLA requirements are referenced because, pursuant to state law, the CERCLA requirements are applicable or relevant and appropriate remedial action guidelines and standards. See ARS §§ 49-221.C and 282.06.B and AAR at 1492 (2002). More importantly, failure of a WQARF remedial action to substantially comply with CERCLA requirements could provide EPA the opportunity to overfile and take over control of the WVBA WQARF Site, as EPA did on the East Washington WQARF Site, due to the directly upgradient and adjacent Motorola 52nd Street federal Superfund Site whose groundwater contamination enters the WVBA WQARF Site.

Citations to the applicable WQARF and CERCLA requirements are provided so ADEQ can independently confirm the accuracy of the comparative analysis. Your prompt action in making an “administrative completeness review” determination on both FS Reports is appreciated.

Dave

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