

Danielle R. Taber

From: Kimball III, David P. <DPK@gknet.com>
Sent: Thursday, September 25, 2014 10:51 AM
To: Laura L. Malone
Subject: WVBA WQARF Site FS Reports

Follow Up Flag: Follow up
Flag Status: Completed

Laura,

As ADEQ is aware, RID was prepared to submit its FS Report by the end of May 2014, but delayed submitting its FS Report until July 15, 2014 at the request of ADEQ in order to “facilitate” ADEQ’s review of both FS Reports. It now has been over 70 calendar days since the FS Reports were submitted, and RID has yet to receive an “administrative completeness determination” from ADEQ. Prior to ADEQ’s repeal of the prior licensing time frames for WQARF “administrative completeness determinations,” such determinations were to be completed in no more than 21 business days, or approximately 30 calendar days. Every day of delay results in increased contamination of RID’s water supply and increased remediation costs incurred by RID.

As a means to “facilitate” ADEQ’s “administrative completeness determination” for RID’s FS Report, RID submitted, as an appendage to its transmittal letter and FS Report, the specific information required for ADEQ approval pursuant to AAC R18-16-413. To “facilitate” ADEQ’s review of the Working Group’s FS Report, RID submitted correspondence to ADEQ on July 16, 2014 and August 12, 2014 that specifically identified significant deficiencies that make the Working Group’s FS Report “administratively incomplete” and not entitled to further review by ADEQ. In short, RID is not aware of any reason why ADEQ has been unable over the last 70 days to “facilitate” its “administrative completeness determination” for both FS Reports as previously committed by ADEQ.

Please advise why RID is being subjected to this unreasonable delay.

Dave

Gallagher & Kennedy

2575 E. Camelback Road, Suite 1100
Phoenix, Arizona 85016-9225
602-530-8000 | www.gknet.com

David P. Kimball III

Attorney Profile
dpk@gknet.com
602-530-8221

This message and any of the attached documents contain information from the law firm of Gallagher & Kennedy, P.A. that may be confidential and/or privileged. If you are not the intended recipient, you may not read, copy, distribute, or use this information, and no privilege has been waived by your inadvertent receipt. If you have received this transmission in error, please notify the sender by reply e-mail and then delete this message. Thank you.