

February 4, 2010

Mr. Ben Grumbles
Director, Arizona Department of Environmental Quality
ADEQ Central Office
1110 West Washington Street
Phoenix, AZ 85007

Dear Mr. Grumbles:

The Roosevelt Irrigation District's pending lawsuit threatens small businesses substantially in ways that we believe were not the intent when the state WQARF legislation was passed.

I have talked to a number of these businesses during the last couple of weeks and it is apparent that there are besides ourselves, many smaller companies and their workers and families that will be directly affected if the RID Early Response Action once submitted is approved. The leaders of a number of these companies are actually concerned about standing out and afraid if they make their concerns known publicly that there will somehow be retribution from RID's legal team causing additional harm.

However, there are several people that I have talked with in the last few days who do have some faith in the system and see value in addressing these concerns to the State of Arizona and you seem like the right person to talk to.

Could we meet with you at your convenience next week on any of the three days, Wednesday through Friday, to tell our firsthand stories? I think you would be impressed, maybe even a little shocked, of how scant or even non-existent the factors seem to be supporting our inclusion as "Potentially Responsible Parties" under CERCLA and the dire threats and I believe, heavy handed, abusive efforts by RID to negotiate (seems more like extort) money from these small businesses.

ADEQ approval of the RID ERA, if it occurs, will provide the legal basis and cover for the multi-party lawsuit. The RID ERA will contemplate a huge remediation action that will substantially enrich RID and Gallagher & Kennedy at the expense of the overall good of the State, its business climate, many businesses large and small, their workers, and their families. We support fully the concept of a the ADEQ immediately forming a technical work group to develop an action plan for more aggressive monitoring to ensure public health impacts continue to be avoided and to transition to an effective remedial feasibility study, which as intended by WQARF law assures fairness to all parties.

We are available at your convenience in order to have the opportunity to address these issues directly.

Thank you.

Sincerely,

Craig Milum

cc:

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