

**7<sup>th</sup> Avenue and Bethany Home Road Water Quality Assurance Revolving Fund (WQARF)  
Site Community Advisory Board (CAB) Meeting**

Tuesday, May 25, 2010

6:00 p.m.

ADEQ Building, Room 3175  
1110 W. Washington St., Phoenix, AZ

## FINAL MINUTES

### **CAB Members in Attendance:**

Paul Barquinero  
Chad Johnson  
Daniel Kingston  
Frank Mendola  
William Sowle  
Stan Watts

### **ADEQ Staff in Attendance:**

Jennifer Thies, Unit Manager  
Scott Goodwin, Project Manager  
Felicia Calderon, Community Involvement  
Coordinator  
Sandy Chismark, Administration

### **Others in Attendance:**

Diane Krone, Phoenix-Goodyear Airport Area  
Superfund /Western Avenue WQARF Community  
Advisory Group, Co-chair

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Ref: OU #10-100

The following matters were discussed at the meeting:

### **1. Call to Order/Introductions**

Ms. Calderon introduced herself as the Community Involvement Coordinator and proceeded with introductions. Ms. Calderon welcomed all attendees to the first CAB meeting for the 7<sup>th</sup> Avenue and Bethany Home Road site, and expressed her gratitude to the CAB members for volunteering their time to serve on the Board. Board member Peter Zorbas called in advance to advise he was unable to attend this CAB meeting.

### **2. Overview of the WQARF program, site background and activities-Scott Goodwin, Project Manager**

Mr. Goodwin initiated his presentation to the CAB with a discussion on historic, current and future activities for Site. Mr. Goodwin announced that he anticipated the release of the Draft Remedial Investigation (RI) report in the upcoming weeks.

**See attached presentation**

Mr. Goodwin clarified for Mr. Sowle that the concentrations of tetrachloroethene (PCE) in the groundwater beneath the site have actually gone down from 2,200 parts per billion (ppb.) to 600 ppb, instead of rising.

Ms. Thies inquired about the location of the deep monitor well (MW #9), which is 220 ft. Mr. Goodwin responded that MW# 9 is located near the northern edge of the property on the northeast corner of 7<sup>th</sup> Avenue and Bethany home.

### **3. Distribution and review of CAB notebooks-Felicia Calderon, Community Involvement Coordinator (CIC)**

Ms. Calderon explained that the CAB notebooks were theirs' to keep and should be brought to every meeting. Ms. Calderon went on to describe all sections within the notebook that included: places for the meeting agendas, minutes, the purpose and responsibilities of the CAB, statutes and legal policies, site information and factsheets, the community involvement plan, general CAB notes, and a glossary of terms. During Ms. Calderon's review of the CAB notebook, she stated that the CAB may request outside presenters at their meetings, for example, UofA professors to speak on the health-related concerns of PCE, since that is the main contaminant at their site. Ms. Calderon also advised the CAB members that once their membership ends their CAB notebooks should be returned to ADEQ staff.

### **4. CAB roles, responsibilities and AZ Open Meeting Law-Felicia Calderon, CIC**

Ms. Calderon initiated her presentation by presenting the main purpose of a CAB and the AZ Open Meeting Law (OML) as it applies to how the CAB functions.

**See attached presentation**

Mr. Mendola inquired if he could send an e-mail to Mr. Kingston and not violate OML. Ms. Calderon replied that communication between two board members would be okay. Ms Calderon added that an e-mail OML violation consisted of an e-mail sent by a board member to a quorum to discuss business, deliberate on board business, take legal action, or propose legal action. Ms. Calderon advised the CAB that she would serve as the primary outlet for dispatching communication to all CAB members.

### **5. Discussion from an active WQARF advisory group member to include: meeting structure, co-chair and board member responsibilities-Diane Krone, Community Advisory Group (CAG), Co-Chair, to the Phoenix-Goodyear Airport Area Superfund Site/Western Avenue Plume WQARF site**

Ms. Krone described her experience as a CAG member for a Superfund/WQARF site. She discussed points with Mr. Sowle on how the Federal Superfund portion of her site differed from the 7<sup>th</sup> Avenue and Bethany Home Road WQARF site. When discussing the structure of her CAG, she mentioned that Robert's Rules of Order were followed. Ms. Krone advised the CAB that she felt CAB members roles included more than just attending meetings and listening, but should also include active engagement in meetings, which included asking questions of the presenters. Ms. Krone advised the CAB that in her role as a co-chair, she facilitates the CAG moving through the agenda, the call to the public and ensures motions and voting are properly conducted within the CAG.

Mr. Sowle inquired of Ms. Krone if the 7<sup>th</sup> Avenue and Bethany Home Road site's remediation would take as long as the site Ms. Krone is representing. Ms. Krone and Ms. Thies explained that each site has various site specific factors that can contribute to the duration of remediation such as plume size, contaminants, working party participation, and other unforeseen circumstances.

Ms. Thies commented that CAB members do not necessarily have to stay on the CAB for the entire length of the remediation work.

Ms. Krone discussed with Mr. Sowle the importance of CAB members sharing information about the site back to communities, especially for the public who are misinformed or under informed.

Ms. Thies commented on her experience as a previous project manager for a WQARF site. She stated that it critical for CAB members to provide feedback on the format and technical level of presentations provided to them. Presentations should inform and clarify issues for CAB members and that can be accomplished when CAB members provide feedback regarding their level of understanding.

#### **6. Discussion of CAB charter, nomination and voting of CAB co-chairs-Felicia Calderon, CIC**

Ms. Calderon explained that the CAB charter is an outline of the purpose and function of the CAB. The CAB charter details how the meetings will be conducted and describes the body and membership make-up of the CAB. Ms. Calderon presented a charter outline and reviewed specific areas within the charter that they could alter to suite their CAB. Ms. Calderon instructed the CAB to consider these specific areas and be prepared to vote on them at the next CAB meeting in July.

Ms. Calderon called for the CAB to discuss and vote on her proposal for the Phoenix Yucca Branch Library, located at 5648 N.15<sup>th</sup> Avenue in Phoenix, to be the off-site repository for this site. Ms. Calderon added that this repository would only contain hard copies of site-related milestone documents and a CAB notebook. She added that the official and complete repository for this site was at the ADEQ main office in Phoenix. Mr. Mendola moved to accept the Phoenix Yucca Branch Library as a repository for the site, and Mr. Johnson seconded. The motion was then passed unanimously by the CAB.

Mr. Watts inquired which outlets were currently used to post meeting notices for the site. Ms. Calderon stated that currently ADEQ's Web site and the Arizona Department of Administration building were the primary venues. Ms. Calderon added that she would look into posting the meeting announcements on the City of Phoenix Web site under upcoming events, other Phoenix libraries, and the repository for this site. Mr. Kingston suggested that Ms. Calderon to look into possibly posting meeting announcements in the *North Central News*. Ms. Calderon advised that she would examine that option.

The CAB discussed and voted on co-chair nominations. Mr. Watts moved to elect Mr. Sowle as the first co-chair for the CAB, and Mr. Kingston seconded. The motion then passed unanimously by the CAB. Mr. Barquinero moved to elect Mr. Johnson as the seconded co-chair for the CAB, Mr. Mendola seconded. The motion then passed unanimously by the CAB.

**7. Call to the Public-** No questions or comments were received from the public.

### **8. Next meeting date, location and agenda**

Mr. Watts made a motion to have a CAB meeting to discuss the Draft RI report that is going to be released in approximately two weeks, and Mr. Mendola seconded. The motion then passed unanimously by the CAB. The CAB elected to hold their next meeting at the ADEQ main office in Phoenix, on Wednesday, July 14<sup>th</sup> at 6:00 p.m. Proposed agenda items for the next meeting included: discussion of Draft RI report, Community Involvement Plan review, and the CAB charter review and vote.

### **9. Adjournment**

Mr. Watts motioned to adjourn and Mr. Sowle seconded. The meeting was adjourned.

# The Community Advisory Board (CAB) and Arizona Open Meeting Law (OML)



# What is a CAB?

**Well, its NOT this!**



# A CAB is.....



**A board of concerned citizens from the community selected to review, discuss, and provide input on the clean-up of contaminated sites.**

# What does a CAB do?

**It's main responsibility is to advise the Arizona Department of Environmental Quality (ADEQ), the public and other interested parties about the issues and concerns of the community related to the cleanup of a Water Quality Assurance Revolving Fund (WQARF) site.**

**The Fund is established in Arizona law to provide money to ensure clean water and soil to the citizens.**

# How do we get started?

- Choose Two Co-Chairs.
- Develop a Charter.
- Establish a Site Repository.
- Attend at least 4 meetings per year.
- Follow Arizona Open Meeting Law.

**A.R.S. § 49-289.03(F)**

☑ **Share information with community members through neighborhood meetings, newsletters or other methods.**



☑ **Represent not only your own views or those of the CAB, but also those of the community members you represent.**



# What else do we do?

☑ Serve as liaisons between ADEQ and the public.



☑ Set goals for developing issues related to the site.



☑ Advise ADEQ of the communities' concerns regarding remedial actions at the site.



# Keys to a Successful CAB

- ☑ Gains support and cooperation from all parts of the community.
- ☑ Listens to all viewpoints.
- ☑ Works openly and honestly with ADEQ to benefit the goals of the site and the community.



# Arizona Open Meeting Law (OML)



**CABs fall under OML jurisdiction and must follow the requirements of the OML as entities created by state law.**

# Why do we have an OML?

- ☑ To protect the public.
- ☑ To protect public officials.
- ☑ Maintain integrity of government.
- ☑ Inform the public.
- ☑ Build trust between government and the public.

# Two core concepts



**“All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings.” A.R.S § 38-431.01(A).**

**“It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided.” **A.R.S. § 38-431.09.****

# What constitutes a meeting?

- Having a quorum (majority).
- Discussing, proposing or taking legal action, including deliberations.

**Please remember...A gathering of a quorum can take several forms:**



**CAB members cannot use e-mail, faxes or phones among a quorum to discuss business, deliberate on board business, take legal action, or propose legal action.**

***Business discussions must happen at a Public Meeting.***

# Want additional info?

**For CAB statutes in their entirety visit:**

**<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=49>**

**For OML statutes in their entirety visit:**

**<http://www.azleg.gov/ombudsman/meetings.asp>**



**For further questions**

**contact:**

**Felicia Calderon**

**ADEQ**

**Community Involvement Coordinator**

**(602) 771-4167**

**[fmc@azdeq.gov](mailto:fmc@azdeq.gov)**



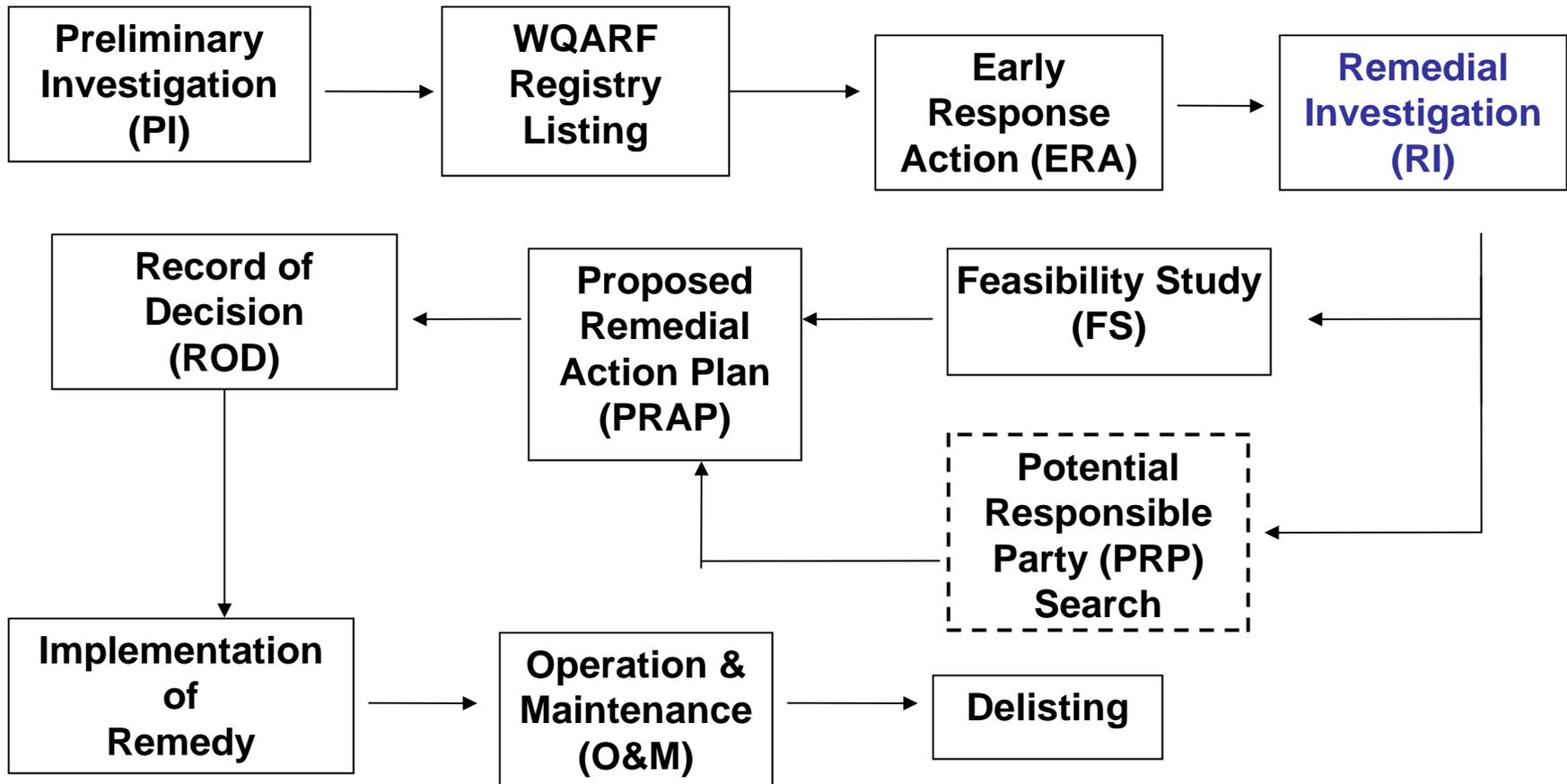
# 7<sup>th</sup> Avenue and Bethany Home Road Water Quality Assurance Revolving Fund Site

May 25, 2010

## Water Quality Assurance Revolving Fund Program (WQARF)

- Arizona's version of the federal "superfund" program
- 35 sites are listed on the WQARF Registry
- Program is funded with up to \$18 million per year by the legislature A.R.S 49§282

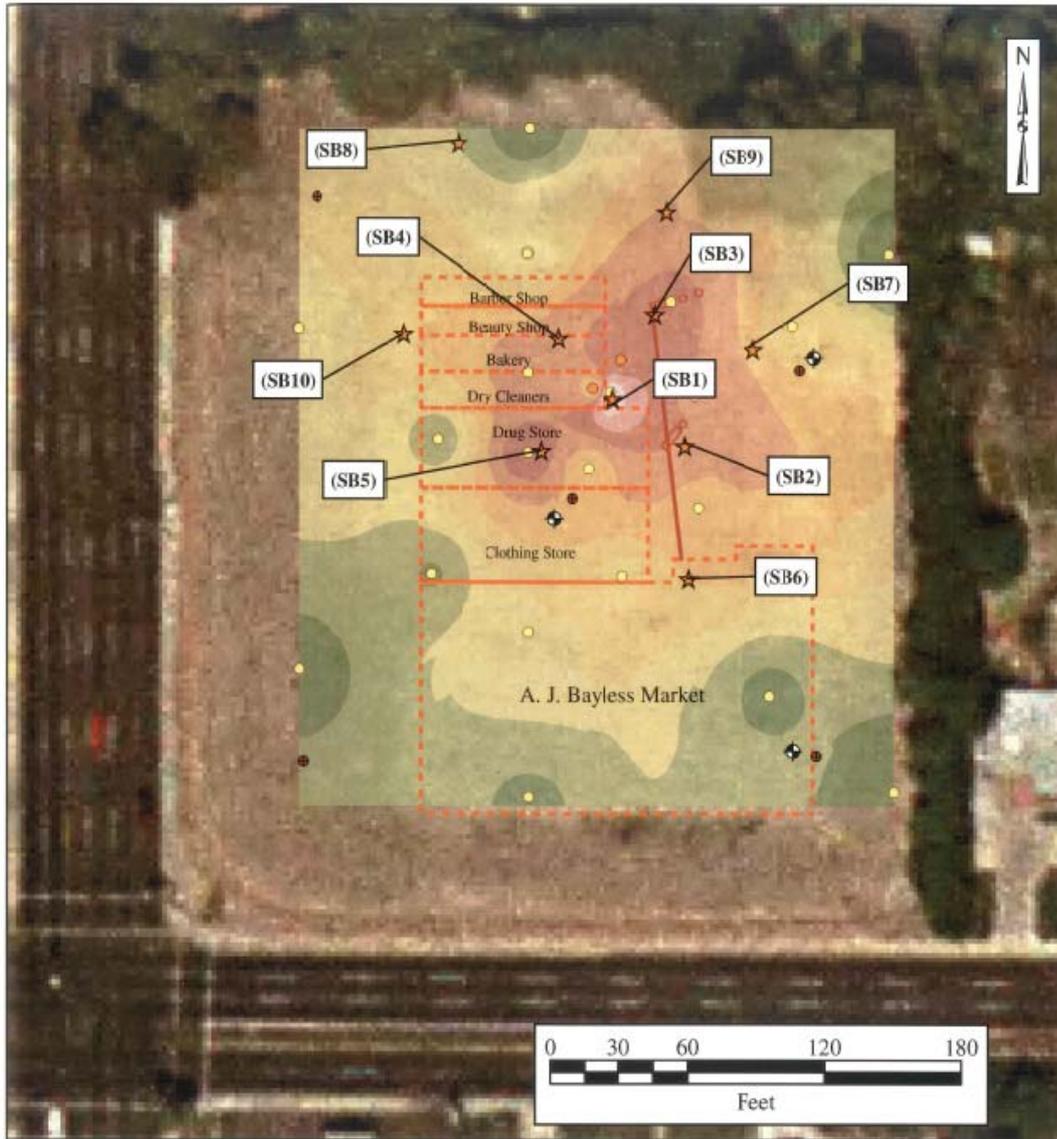
- Cleanup of contaminated soil and groundwater at state WQARF sites is accomplished by:
  - Using state budget funding allocated to the WQARF program,
  - Reimbursement from responsible parties,
  - Compelling responsible parties to complete the work.
- Liability structure is designed to determine responsible parties' proportionate share of the contamination found in groundwater and soil.



- In January 2009, ADEQ initiated Remedial Investigation (RI) activities at the site. The Community Advisory Board (CAB) was formed as part of the RI. The purpose of the RI is to:
  - Establish the nature and extent of the contamination,
  - Identify current and potential impacts to the public health, welfare and the environment,
  - Identify current and reasonable foreseeable uses of land and water,
  - Obtain and evaluate any other information necessary for identification and comparison of alternative remedial actions.
- The Draft RI report is provided to the CAB and other interested parties to assist ADEQ in establishing the remedial objectives for the site.

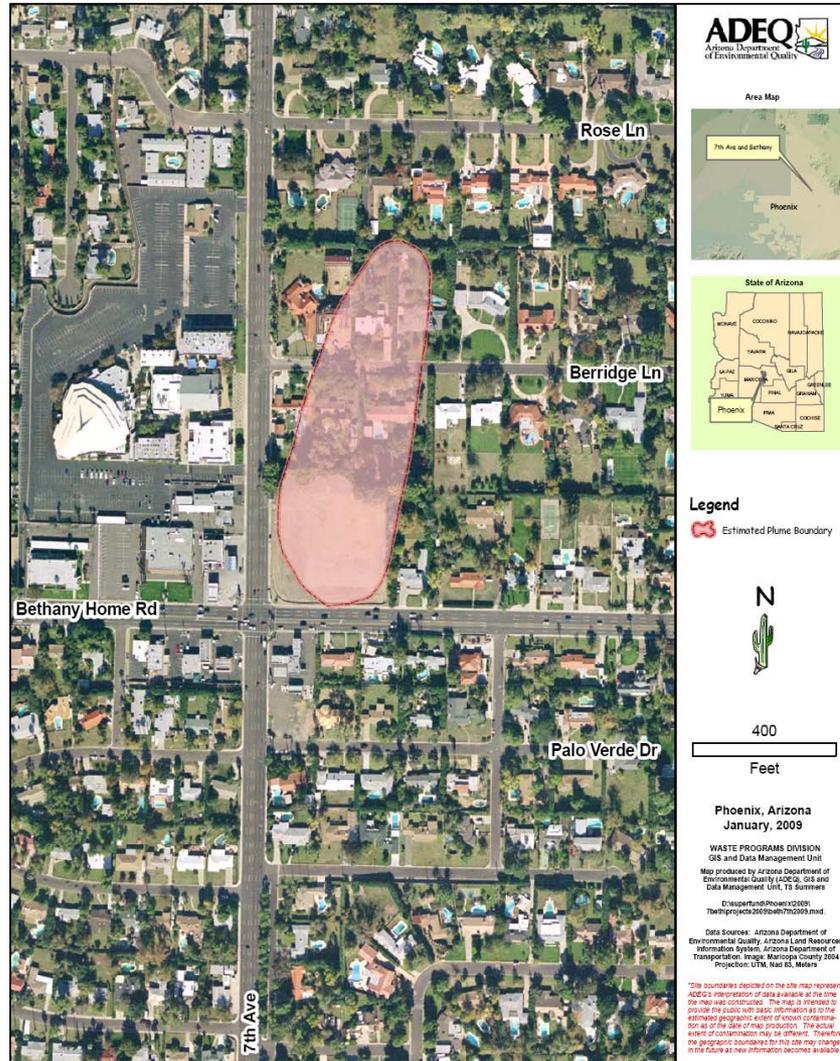
- The property at the northeast corner of 7th Avenue and Bethany Home Road was originally developed in 1952 as a small shopping center. The shopping center included a market, a variety of small businesses and a dry cleaner.
- The dry cleaner leased the space and began operations in 1953. Until 1960, the shopping center was connected to an on-site septic system. In 1960 the shopping center was connected to the City of Phoenix sewer system and the discharges to the septic system are believed to have ended.
- The property was originally investigated by the property owner between 1995 and 2001. Investigations confirmed the presence of tetrachloroethene (PCE) in the soil and groundwater beneath the site. In 2000, the septic tanks and associated piping were removed.

- ADEQ conducted a Preliminary Investigation of the site and added the site to the WQARF Registry in 2004 with a score of 29 out of 120.
- In October 2004 ADEQ, and their contractor Malcolm Pirnie, Inc., conducted a Early Response Action (ERA) evaluation of the property. It was determined that Soil Vapor Extraction (SVE) was a viable remedial measure to reduce the source of contamination at the site.
- ADEQ and the property owner, Bayless Investment and Trading Company, entered into a consent decree in April 2005. ADEQ received a settlement in the amount of \$225,000. The decree indicated the property owner had already spent approximately \$170,000 investigating and remediating the site.



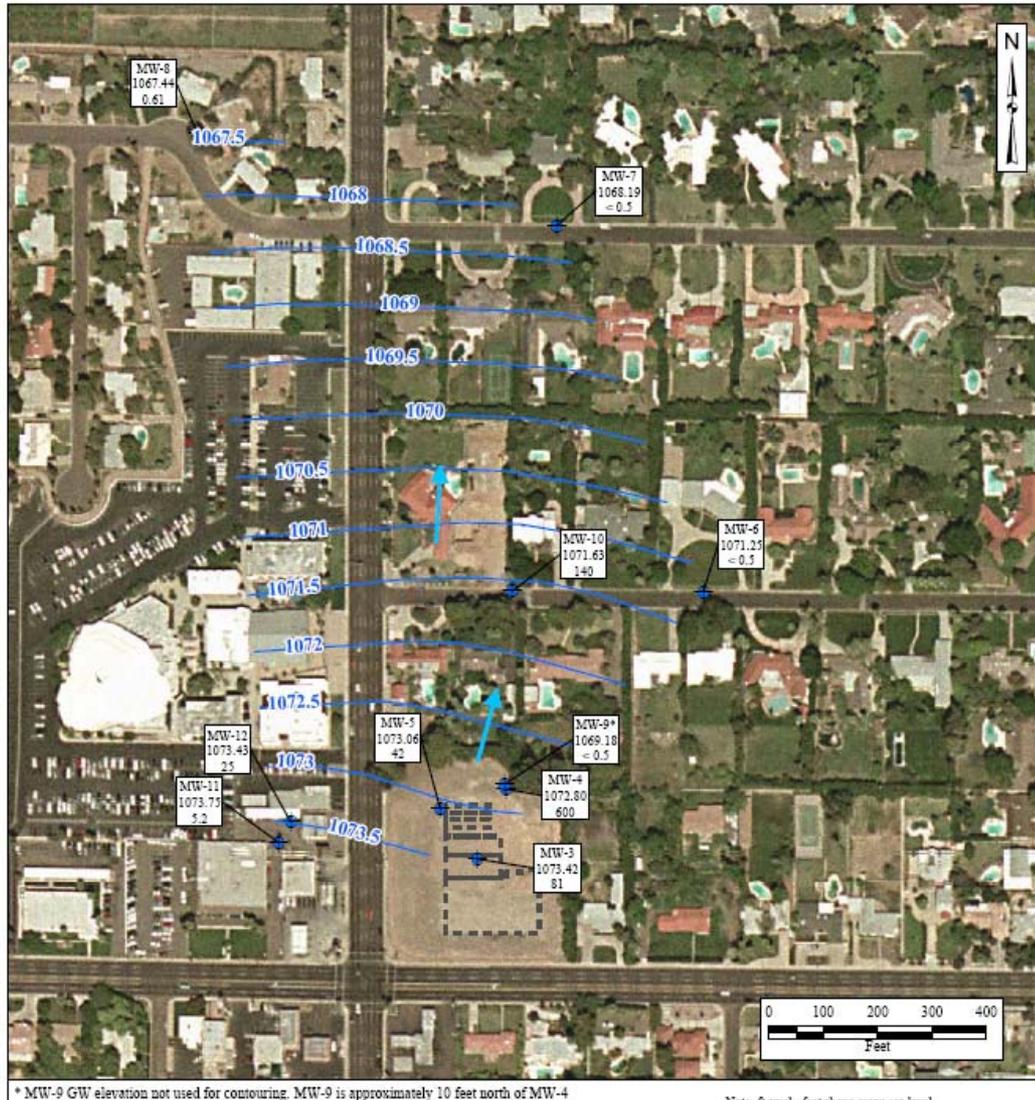
- The SVE system operated from June 2005 until January 2006. Approximately 380 pounds of volatile organic compounds (VOCs) were removed from the site and reduced concentrations of PCE in the soil vapor at the site from over 2,500 parts per billion (ppb) to less than 150 ppb. Soil sampling confirmed the remaining soil concentrations are below the non-residential soil remediation level for PCE of 13 mg/kg.
- ADEQ began to install offsite groundwater monitor wells in September 2005 to begin to define the extent of groundwater contamination down gradient of the site.
- Groundwater flow is to the north-northeast. Concentrations of PCE in the groundwater beneath the site have been as high as 2,200 ppb and were last measured in November 2008 at a concentration of 600 ppb.

## 7th Avenue & Bethany Home Road WQARF Site



- In October 2006 a deep monitor well, MW-9, was installed to a depth of 220 feet at the site to determine the depth of contamination at the property. No contamination was detected in the deep monitor well indicating the groundwater contamination at the site is predominately in the upper portion of the aquifer from approximately 85 to 125 feet.
- In December 2008, ADEQ issued a No Further Action Determination to Bayless Investment and Trading Company for the soils at the site.

- Also in 2008, ADEQ completed an additional ERA evaluation of another dry cleaner, located across 7th Avenue from the site.
- Investigations at the second drycleaner indicated that PCE concentrations in the soils are not present above regulatory standards at the property.
- However, the groundwater is impacted with PCE concentrations ranging from 5 to 22 ppb, above the regulatory standard of 5 ppb. The groundwater is also impacted with trichloroethene (TCE) with concentrations ranging from 27 to 32 ppb, above the regulatory standard of 5 ppb. In addition, the groundwater is impacted with vinyl chloride with concentrations ranging from 2.6 to 2.7 ppb, above the regulatory standard of 2 ppb.





# Contact Information

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Remedial Projects Section

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