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**GALLAGHER & KENNEDY**

P.A.

ATTORNEYS AT LAW

DAVID P. KIMBALL, III  
DIRECT DIAL: (602) 530-8221  
E-MAIL: DPK@GKNET.COM

September 29, 2011

2575 EAST CAMELBACK ROAD  
PHOENIX, ARIZONA 85016-9225  
PHONE: (602) 530-8000  
FAX: (602) 530-8500  
WWW.GKNET.COM

**VIA ELECTRONIC AND REGULAR MAIL**

Mr. Henry Darwin  
Director  
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY  
1110 West Washington Street  
Phoenix, AZ 85007

**Re: *Feasibility Study of the West Van Buren Area  
Water Quality Assurance Revolving Fund Site  
Phoenix, Arizona***

Dear Mr. Darwin:

The Roosevelt Irrigation District ("RID") obtained a copy of a *Feasibility Study Work Plan for the West Van Buren WQARF Site ("FS Work Plan")*, dated September 6, 2011, that was prepared by Haley & Aldrich on behalf of what is referred to as the West Van Buren WQARF Site Working Group. For the record it needs to be clear that this "Working Group" represents Potentially Responsible Parties ("PRPs") that the Arizona Department of Environmental Quality ("ADEQ") and the United States Environmental Protection Agency records have identified as responsible for groundwater contamination of the West Van Buren Area ("WVBA") Site. I am responding to this submittal on behalf of RID.

RID considers the September 6, 2011 *FS Work Plan* to be substantively and procedurally inadequate for the reasons that were stated in RID's recent letter to you, dated August 11, 2011, which was submitted in response to the PRPs "offer" to perform a FS for the WVBA WQARF Site. As noted in RID's August 11, 2011 letter, and has now been borne out by the distorted discussion of Remedial Objectives in the *FS Work Plan*, it is premature for the FS to proceed until ADEQ establishes Final Remedial Objectives in the Final Remedial Investigation ("RI") Report. Furthermore, given the biased and dismissive nature of the PRPs' discussion of RID water uses in the *FS Work Plan*, it is clear the PRPs are unable or unwilling to objectively consider the needs of RID and its customers and evaluate remedial actions necessary to protect and restore RID wells and water supplies as required by A.R.S. § 49-282.06(B)(4)(b). Given RID's critical role as the major injured water provider, we cannot accept and will not allow the PRPs to usurp the FS process and

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determine how to address the contamination for which they are legally responsible at the numerous impacted and threatened RID wells.

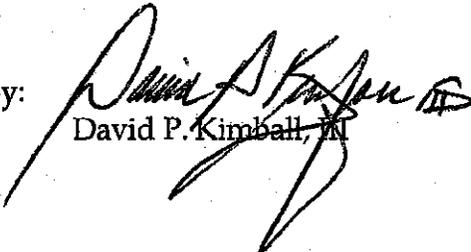
The *FS Work Plan* correctly notes that RID is the only major water provider having production wells in the WVBA. From this perspective, it makes much more sense for RID to evaluate the approach for the regional groundwater remedy. As pointed out to the PRPs in your letter dated July 20, 2011, ADEQ entered into a working agreement almost two years ago with RID to conduct a FS for the WVBA WQARF Site. RID remains firmly committed to ADEQ to conduct and complete the FS and will perform the work in accordance with rules adopted under A.R.S. § 49-282.06. As required, RID will submit a Work Plan detailing the work to be conducted in the FS, which will be provided to ADEQ for review and approval within 30 days following ADEQ's issuance of the Final RI Report.

RID stands with ADEQ in your expressed interest in working collaboratively with all stakeholders to initiate and expedite a comprehensive, cost-effective, and technically sound FS that achieves the Final Remedial Objectives. We believe there are many areas of potential collaboration that will facilitate these goals. To this end, I will restate the closing of our recent letter to you dated August 11, 2011. RID looks forward to continuing to work with ADEQ, the PRPs and the interested public in performing the FS, pursuant to its October 8, 2009 written agreement with ADEQ, to analyze and evaluate the remedies consistent with the statutory and regulatory requirements so that one of the largest groundwater contamination plumes in the United States can be addressed and restored without financially burdening the Arizona taxpayer in these tough economic times. RID also continues to stand by its commitment to perform the final remedy selected by ADEQ based upon the complete FS that will be conducted by RID.

Very truly yours,

**GALLAGHER & KENNEDY, P.A.**

By:

  
David P. Kimball, III

cc: Amanda Stone, ADEQ  
Stan Ashby, RID  
Donovan Neese, RID  
Sheryl Sweeney, Ryley Carlock & Applegate  
Dennis Shirley, Synergy Environmental