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December 23, 2009

**VIA EMAIL AND U.S. MAIL**

Benjamin H. Grumbles  
*Director*  
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY  
1110 West Washington Street  
Phoenix, Arizona 85007

**Re: RID Early Response Action Meeting with ADEQ**

Dear Mr. Grumbles:

On behalf of the Roosevelt Irrigation District (RID), I want to thank you for the opportunity to meet with you and your staff on December 21, 2009 to discuss the Early Response Action (ERA) that has been submitted by RID to the Arizona Department of Environmental Quality (ADEQ). I hope you will have some time to review the materials we provided. As discussed during the meeting, RID believes that it has fulfilled all statutory and regulatory requirements for the submitted ERA, which would require ADEQ's mandatory approval under A.A.C. R18-16-405.H.

RID's ERA work plan is consistent with the remedial action criteria set forth in A.R.S. § 49-282.06(A) which require the ERA to:

- (1) Assure the protection of public health and welfare and the environment;
- (2) To the extent practicable, provide for the control, management or cleanup of the hazardous substances in order to allow the maximum beneficial use of the waters of the state; and
- (3) Be reasonable, necessary, cost-effective and technically feasible.

As discussed during the meeting and as more fully described in the ERA, the ERA submitted by RID meets all the above-mentioned criteria in A.R.S. § 49-282.06(A). The ERA ensures protection of public health, welfare and the environment by eliminating and/or significantly reducing the current and serious risk of exposure to hazardous substances that have contaminated groundwater and RID's water supply, and are volatilizing to the air. The ERA requires treatment to remove hazardous volatile organic compounds (VOCs) in groundwater at the most highly contaminated RID wells by using reliable and fail-safe treatment technologies prescribed by EPA and ADEQ at other groundwater remediation sites in the state which will ensure maximum beneficial use of the waters of the state. The ERA is "reasonable" because RID (although legally entitled) is not pursuing an early response for the entire capacity of the

wells that are impacted or deemed threatened by R18-16-405.I, nor is RID pursuing other more costly remedial alternatives. The ERA is "necessary" according to R18-16-405.I because the ERA will (i) address the current risk to public health, welfare and the environment, (ii) protect and provide a supply of water to ensure maximum beneficial use of the waters of the state, and (iii) control and contain the groundwater contamination to reduce the scope and cost of the remedy at the site. Likewise, the ERA is "cost-effective" in comparison to other approved groundwater remedial actions in Arizona because the ERA extensively utilizes existing RID wells and infrastructure. Furthermore, the ERA is "technically feasible" because it uses proven and effective remedial technologies and the necessary professional expertise is available locally to design, construct, and operate the remedy.

Although RID, pursuant to R18-16-405.E., could postpone community involvement activities until after commencement of the ERA, RID intends to actively pursue community involvement since RID believes the affected public will strongly support accelerated remedial actions to remove hazardous substances from groundwater and air that present serious risks to public health and welfare. Finally, RID's ERA work plan provides for modifications to address unknown or changed conditions, including RID's compliance with any applicable requirements of R18-16-411 and R18-16-412.

Although RID believes that the ERA complies with all the requirements necessary for ADEQ's mandatory approval under A.C.C. R18-16-405.H, RID is willing to discuss any ADEQ recommended improvements to the ERA and to voluntarily participate, as discussed during the meeting, in a public meeting (in addition to RID's community involvement activities) to provide information to all involved stakeholders on the approved ERA and to respond to any questions or concerns. RID would agree to participate in a public meeting provided it can be held some time in January or February 2010.

However, RID believes that it is critical to expedite the approval and implementation of the ERA in order to protect public health, welfare and the environment from the serious risks and exposures that were discussed during the meeting. The ERA is an early, accelerated remedial action which will eliminate and/or significantly reduce the risk of exposure to hazardous substances. The ERA will eliminate certain exposures and significantly reduce other exposures through the treatment and removal of 5,000+ pounds/year of hazardous VOCs that otherwise would continue to contaminate the groundwater, be released to the air, and be exposed to the public. The years needed to complete the full CERCLA/WQARF administrative process (e.g., final remedial investigation, draft/final feasibility study, proposed remedial action plan, record of decision) are unacceptable to address the current and serious risks to public health, welfare and the environment. While implementing the ERA, RID has agreed to conduct a feasibility study and systematically to develop a proposed remedy that will address the full extent of impacts to water providers and allow ADEQ to select a final remedy.

In addition to addressing the current public health risks, expedited approval of the ERA by ADEQ is necessary and mandatory to protect certain RID wells and groundwater from being contaminated in the first place, to mitigate existing contamination in RID wells and groundwater, to provide a non-VOC-contaminated water supply, and to control the plume to reduce future

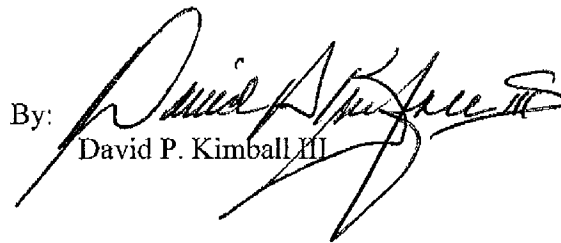
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remedial costs. For all these reasons, RID respectfully requests ADEQ's expedited approval of the ERA pursuant to A.C.C. R18-16-405.H.

We look forward to working with ADEQ on this very important ERA and on the development of a final remedy. Please contact me if you have any questions.

Very truly yours,

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

By:   
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cc: Patrick Cunningham, ADEQ  
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