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P.A.

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November 17, 2011

VIA ELECTRONIC AND REGULAR MAIL

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

Re: *Response to PRP Letter Dated August 31, 2011 Regarding the RID-95 Pilot Wellhead Treatment System Proposal ("RID-95 Pilot")*

Dear Mr. Darwin:

The Roosevelt Irrigation District ("RID") is compelled to respond to the letter prepared by CH2M Hill on behalf of Honeywell International and 13 other Potentially Responsible Parties ("PRPs") criticizing RID's efforts to address contamination in the West Van Buren Area ("WVBA") WQARF Registry Site that currently impacts 21 RID wells and threatens to impact another 10 RID wells. In their letter, dated August 31, 2011, the PRPs raise a number of questions regarding the objectives and necessity of the RID-95 Pilot. They assert that any type of early action is unnecessary and premature since they are conducting a Feasibility Study (FS) designed to select a final remedy for the WVBA Site.

The PRPs' August 31, 2011 letter of criticism and opposition to the RID-95 Pilot is nothing more than another effort to impede progress in addressing the impacts of groundwater contamination in the WVBA WQARF Site, for which the PRPs are legally responsible, by the repetition of the erroneous statements, misrepresentations and unfounded assertions that were first raised by the PRPs in response to the RID Early Response Action nearly two years ago. RID has repeatedly and consistently stated the rationale and objectives for the Early Response Action and now the RID-95 Pilot. RID believes it has more than sufficiently addressed the issues raised by the PRPs and, rather than continue to

debate and give standing to PRP criticisms, RID offers the following references in response to the PRPs' comments:

- January 20, 2010 letter from David Kimball to ADEQ Director Ben Grumbles regarding *Roosevelt Irrigation District's Response to Comments from Potentially Responsible Parties on RID's Early Response Action*.
- February 23, 2010 letter from David Kimball to ADEQ Director Ben Grumbles regarding *Roosevelt Irrigation District's Response to Letter from Potentially Responsible Parties on RID's Early Response Action*.
- February 24, 2010 letter from David Kimball to ADEQ Director Ben Grumbles regarding *Roosevelt Irrigation District's Response to Additional Comments from Potentially Responsible Parties on RID's Early Response Action*.
- March 18, 2010 letter from David Kimball to ADEQ Director Ben Grumbles regarding *Roosevelt Irrigation District's (RID) Position Regarding a Request for an Interim Remedial Action by Potentially Responsible Parties*.
- April 22, 2010 letter from David Kimball to ADEQ Director Ben Grumbles regarding *Roosevelt Irrigation District's (RID) Response to Comments from Potentially Responsible Parties at the March 22, 2010 ADEQ Meeting and March 23, 2010 CAB Meeting on RID's Early Response Action*.
- May 26, 2010 letter from David Kimball to ADEQ Director Ben Grumbles regarding *Roosevelt Irrigation District's Final Response to Comments from Potentially Responsible Parties on RID's Early Response Action*.
- May 26, 2010 letter from David Kimball to ADEQ Director Ben Grumbles regarding *Executive Summary of Roosevelt Irrigation District's Early Response Action*.
- June 10, 2010 letter from David Kimball to ADEQ Director Ben Grumbles regarding *Roosevelt Irrigation District's (RID) Response to Proposal from Potentially Responsible Parties for a Feasibility Study and Early Response Action*.
- June 30, 2011 letter from David Kimball to Kevin Snyder regarding *RID Comments on ADEQ's Proposed Remedial Objectives Report, West Van Buren Area WQARF Registry Site*.
- August 11, 2011 letter from David Kimball to ADEQ Director Henry Darwin regarding *PRP's Offer to Perform Feasibility Study for WVBA WQARF Site*.
- August 24, 2011 letter from David Kimball to Kevin Snyder regarding *Roosevelt Irrigation District's Response to Comments from Potentially Responsible Parties on ADEQ's Proposed Remedial Objectives Report*.

- September 20, 2011 letter from Joel Peterson to Jennifer Thies regarding *Response to ADEQ Letter Dated September 2, 2011 – Review of RID-95 Wellhead Pilot Treatment System Proposal Work Plan.*
- September 29, 2011 letter from David Kimball to ADEQ Director Henry Darwin regarding *Feasibility Study of the West Van Buren Area Water Quality Assurance Revolving Fund Site, Phoenix, Arizona.*

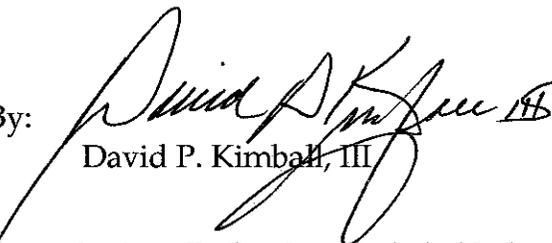
As can be seen by the extensive correspondence record referenced above, RID has abundantly documented the necessity for its actions to address the widespread impact to RID's wells and water operations in accordance with the statutory and regulatory protections afforded well owners and water providers under the WQARF Program. RID is fully committed to moving the RID-95 Pilot forward consistent with this authority and the authority in A.A.C. R18-16-411.G that allows RID, at its sole discretion, to construct and operate a water treatment component to address groundwater contamination in its wells. RID finds the PRPs' resistance to RID's initiative for the pilot wellhead treatment work oddly incongruous and more than a little ironic, in light of recent PRP condemnation of RID as financially unable to undertake remediation efforts at the WVBA Site¹.

The above-referenced actions of the PRPs, and RID's responses thereto, underscore that the PRPs' critique and opposition to the RID-95 Pilot is nothing more than a continuation of their attempts to delay implementation of RID's well restoration actions and avoid assuming their legal responsibility for the groundwater contamination caused by releases of hazardous substances from their facilities.

RID is appreciative of ADEQ's support of the RID-95 Pilot and ADEQ's continued support of the actions being taken to address RID's wells impacted by groundwater contamination at the WVBA WQARF Site.

Very truly yours,

GALLAGHER & KENNEDY, P.A.

By: 
David P. Kimball, III

¹ Letter, dated July 1, 2011, from Mitchell Klein of Polsinelli Shughart on behalf of the PRP group to Mr. Henry Darwin.

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cc: Amanda Stone, ADEQ
Jennifer Thies, ADEQ
Stan Ashby, RID
Donovan Neese, RID
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Dennis Shirley, Synergy Environmental