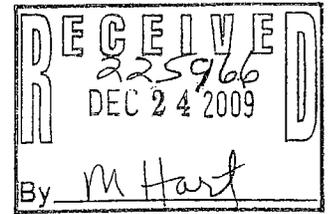




**City of Phoenix**  
OFFICE OF THE CITY MANAGER



December 23, 2009

Phoenix 2009



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

Re: West Van Buren WQARF Site  
Roosevelt Irrigation District's Proposed Early Response Plan

Dear Mr. Grumbles:

Thank you for the opportunity to comment on the draft Roosevelt Irrigation District (RID) Groundwater Response Action (GRA) Implementation Plan dated September 25, 2009, and the corresponding Work Plan (WP) dated October 5, 2009. RID has asked the Arizona Department of Environmental Quality (ADEQ) to review and approve these plans as an Early Response Action. The GRA and WP are designed to address groundwater contamination in ADEQ's West Van Buren WQARF Site.

While the City of Phoenix is supportive in concept to the remediation of this valuable water supply, the scope of the plan and the process proposed by RID are troubling and inconsistent with Arizona statutes and regulations. RID's plan also raises policy issues regarding the long-term management of water supplies in Active Management Areas (AMA) regulated by the Groundwater Management Act. RID's characterization of this remediation as a WQARF Early Response Action is inappropriate for a proposed remedy of this magnitude, in part because it excludes input from interested parties and stakeholders, such as the City of Phoenix, and is technically unsound because the proposed remedy goes beyond what a reasonable final remedy would require.

The Early Response Action process is intended to encourage localized source removal and/or containment remedies that are reasonable, technically feasible, cost effective, and contribute favorably to a final remedy. The action proposed by RID goes beyond a reasonable final remedy in both scope and cost, and is best characterized as a regional water quality management plan, with the withdrawal, treatment, and distribution to new end users of up to 40,000 gallons per minute of groundwater. The withdrawal and use of

that water by RID for purposes other than irrigation of agricultural lands also raises questions of water rights, policy, and law that should be examined with input from all affected stakeholders, not hastily considered as an early response action. Some of the issues that must be addressed include RID's long-term rights to pump groundwater outside its service area, the impacts of mining additional groundwater in the Phoenix AMA, allowing municipal growth based on mined groundwater to occur with no certainty that the water will be physically, legally and continuously available for 100 years pursuant to Assured and Adequate Water supply requirements, how the future replenishment obligation fits into the Central Arizona Groundwater Replenishment Districts (CAGRDR) plans when the statutory replenishment exemption expires in 2025 and the current CAGRDR Plan of Operation only allows for enrollment of new obligations through 2015, and how service area rights overlying this aquifer are impacted.

RID's proposal to continue pumping, with new groundwater treatment, and market the water for drinking water use seems designed to suit the district's long-term water delivery interests rather than effectively remediating the plume. It also vastly complicates the remedy by requiring changes in water law, new user agreements, and imposing potential new risks, liabilities, and unnecessary consequences to existing and future water users. Other stakeholders have suggested that the area groundwater can be remediated with a far more efficient and less costly approach, and this bears evaluation.

There is substantial support in the stakeholder and business community to have ADEQ convene a technical working group, in which RID can participate, to develop and implement a workable West Van Buren WQARF Site remediation plan. Entities involved in the West Van Buren WQARF Site and the Motorola 52<sup>nd</sup> Street Superfund Site are willing to participate and offer input on both technical and water policy issues posed by the proposed remedy.

RID's proposal is a significant and encouraging starting point towards selection of a final remedy for the West Van Buren WQARF plume. The City of Phoenix, as a future user of the water resources of this area, is supportive of any effective long-term remedial actions. However, RID's choice to frame the proposal as an "Early Response Action" not only strains credulity but is flawed in that it omits the very process of stakeholder involvement and consideration of water quality and future water resource development that produced the innovative WQARF statute 13 years ago. We encourage ADEQ to continue with the Final RI and FS process prescribed by WQARF while convening a working group of stakeholders to consider the proposed use of the RID infrastructure as an early step towards a final West Van Buren WQARF remedy. That process is likely to be more fruitful and effective than hastily accepting the RID proposal as it is currently stated.

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Thank you for your consideration of these concerns. We are available to meet with ADEQ to discuss these comments, and welcome the opportunity to participate in any process designed to produce a productive solution to the West Van Buren groundwater contamination.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Buschatzke". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tom Buschatzke  
Water Resources Management Advisor

cc: David Cavazos  
Amanda Stone, Director, ADEQ Waste Division