
**West Van Buren (WVB) Water Quality Assurance Revolving Fund (WQARF) Site
Community Advisory Board (CAB) Meeting**

Tuesday, March 23, 2010

6:00 p.m.

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

DRAFT MINUTES

CAB Members in Attendance:

Charlotte Reyes
Jeff Littell
John Saccoman

ADEQ Staff in Attendance:

Julie Riemenschneider, Remedial Projects Section
Manager
Kevin Snyder, Project Manager
Linda Mariner, Community Involvement Coordinator
Sandy Chismark

Others in Attendance:

Dr. Lawrence Moore, Lawrence Moore & Assoc.
David Kimball, Gallagher & Kennedy
Stuart Kimball, Gallagher & Kennedy
Stan Ashby, Roosevelt Irrigation District
Dennis Shirley, Synergy Environmental
Joel Peterson, Synergy Environmental
Tim Leo, Montgomery & Associates
Leah Landrum Taylor, AZ Senate, Dist. 16
Eder Delgadillo
Paul Hendricks
Mary Moore, Linden Park Neighborhood Assoc.
Gail Clement, GM Clement and Assocs.
Molly Green
David Christiana, ADWR
William Viperman
Wayne Smith
Matt Bingham, Lewis and Roca

David Seyer
Ken Miller
John Pekala, Environ
Kellie Huston, Huston Environmental Services
Richard Hayslip, SRP
Kevin Wanttaja, SRP
Jay and Jeri Willmore, Willmore Manufacturing
Tim Eckenrode, Laundry & Cleaners Equipment Co.
Craig Milum, Milum Textile Services
Glenn Hamer, AZ Chamber of Commerce & Industry
Michelle Bolton, Phoenix Chamber of Commerce
Wendoly Abrego, Phoenix Revitalization Corp.
Chris Walker, APS
Judy Heywood, APS
Robert Mongrain, Arcadis
Chris Thomas, Squire Sanders
Joe Drazek, Quarles & Brady LLP
Byron Sarhangian, Snell & Wilmer LLP
Carla Consoli, Lewis & Roca LLP
Shane Swindle, Perkins Coie
A. Gordon, Terranext
Paul Plato, Clear Creek Associates
David Armstrong, Ballard Spahr
Karen Gaylord, Salmon, Lewis & Weldon
Scott Ames, Fennemore Craig
Jerry D. Worsham II, Gammage & Burnham
Donn Stoltzfus, City of Phoenix
Phil McNeely, City of Phoenix
Stephen Wetherell, City of Phoenix
David L. Kirchner, Basin and Range Hydrogeologists
Troy Kennedy, Honeywell, Inc.

Ref: OU #10-096

The following matters were discussed at the meeting:

1. Call to Order/Introductions

Mr. Littell conducted the meeting after Ms. Mariner gave a short introduction.

2. ADEQ Opening Remarks – Julie Riemenschneider, Remedial Projects Section Manager

Ms. Riemenschneider thanked everyone for attending the meeting. She reminded everyone that the public comment period deadline is April 7th. Ms. Riemenschneider also stated that ADEQ has drawn no conclusions yet on anything that has been submitted by the Roosevelt Irrigation District (RID) or any other parties. Ms. Riemenschneider explained that ADEQ will be drawing their conclusions based on the facts that they have in-house, and at this time they do not have a stance on the issue. Ms. Riemenschneider outlined the oral comment period process that would be followed that evening, and then turned the time over to Dr. Moore.

3. Roosevelt Irrigation District (RID) Presentation – Dr. Lawrence Moore, Lawrence Moore & Associates, and David Kimball, Gallagher & Kennedy

Dr. Moore introduced himself and the other RID team members and then turned the time over to Mr. Kimball who presented their proposed strategic regional approach to groundwater remediation.

[See presentation below](#)

4. Question and Answer Period

Because Senator Taylor Landrum needed to leave early, Ms. Mariner asked if she could ask her questions first. Senator Taylor Landrum, who represents Legislative District 16, expressed concern for proper remediation, water safety, and hoped her constituents' views would be considered. Senator Taylor Landrum wanted to see the stakeholders work together, develop a feasibility study, and have everyone involved. Senator Taylor Landrum thanked the CAB and those in attendance as well as ADEQ for being there and pushing the process through.

Ms. Riemenschneider asked for any questions about the presentation or specific technical questions on the work plan. Mr. Saccoman asked how comments will be handled. Ms. Riemenschneider described the procedures for how comments will be addressed. Mr. Saccoman asked for clarification regarding the extent of community involvement in the final decision. Mr. Kimball explained that the legal requirements state an early response action (ERA) does not have to go through the community involvement process to enable implementation, but the RID fully intends to involve community members. Mr. Saccoman asked if the RID will in fact call upon the CAB for their input. Ms. Riemenschneider responded that ADEQ always asks the CAB for their input. Mr. Lawrence expressed RID's commitment to extensive community outreach. Mr. Lawrence stated that their community relations plan involves everything from visiting community groups to going to homeowners associations. Ms. Reyes asked for clarification between the red and the green wells on the map. Mr. Shirley responded that those were the seventeen wells contaminated above drinking water quality standards. Ms. Reyes asked if the red dots on the presentation were ever yellow (or below the standard), and vice versa, at one time or another over the past 20 years. Mr. Shirley responded that RID Well 105 has recently fallen off below the drinking quality standard, meaning it switched from red to yellow. Ms. Reyes asked how long until they can expect other wells to become contaminated. Mr. Kimball responded that they cannot answer that with any certainty, but the wells have been impacted for at least twenty years and very few of them have really changed towards the point of being cleaned up. Ms. Reyes asked what the eighteen month period means. Mr. Shirley explained that

if they were to move forward with the ERA today they believe they could be operating the groundwater remedy within eighteen months.

Mr. Littell asked ADEQ for the status of the public comment period. Ms. Riemenschneider responded that the public comment period started on March 8th and ends on April 7th. Comments can be submitted in writing or email. Ms. Mariner also stated that the CAB can submit comments together or individually. Ms. Mariner then asked the audience for additional questions about the presentation. Ms. Moore inquired how the drop in the water table interacts and affects the water and the amount of contamination. Mr. Shirley responded that they expect water levels will respond to other recharge events that will occur in the future. Ms. Moore also asked what the amount of water being pumped from the upper alluvial unit was. Mr. Shirley stated they do not have precise data, but the wells are generally more shallow and draw water from the closed system. Mr. Shirley explained that the thirty-one wells at the site pumped 80,000 acre feet last year, and most of that water is estimated to originate from the upper unit. Mr. Shirley was asked by Ms. Gail Clement was asked if there are any current limitations on their ability to continue to pump water, in either quality or quantity, to service irrigation customers. Mr. Kimball responded that there are legal requirements in state law and that RID is under a statute that restricts them from pumping beyond what they have pumped in the past as of January 1, 1977. In addition, Mr. Kimball added that a contractual cap with another water provider gives them an annual limit of 155,000 acre feet. Mr. Kimball was asked by Ms. Clement if there are any water quality limitations and he responded no.

Mr. Kimball was asked about the risks of the early response action. Mr. Kimball explained there is a legal requirement that restricts contaminants from one environmental media to be transferred to another. Mr. Kimball stated that if there are no controls over these volatile organics, then you run the risk of releasing them into the air and creating potential exposure. Mr. Kimball was then asked by Mr. Donn Stoltzfus if there have been studies to evaluate this potential exposure. Mr. Shirley responded that there has been very limited sample collection to evaluate the change of these concentrations that are coming out of the ground from the well head into the open surface water system. Mr. Kimball stated reductions that are noted indicate direct or immediate volatilization of the portion of the volatile organic compound (VOCs) in the ground water. Mr. Kimball stated that they can calculate the amount of VOCs being pumped from the ground into the environment. Mr. Kimball was also asked if the proposed ERA contains controls that will prevent cross-contamination. Mr. Shirley responded that the ERA includes limitations at the well head and containment of everything that will be used to pump the water. Mr. Kimball commented that water will also be treated with carbon to eliminate VOCs before it is discharged to the RID.

Ms. Clement asked which portion of the wells have inorganic water quality impacts and what does the remedy do to address those impacts. Mr. Shirley replied there may be some chromium in the groundwater but those levels do not exceed the maximum contaminant level (MCL). Ms. Clement asked if any of the wells are impacted to the extent that they need treatment, and would the proposed treatment system impact inorganic water quality. Mr. Shirley replied that the treatment system would not affect the organic water quality. Mr. Stoltzfus asked if the RID is considering any changes in their current pumping procedures. Mr. Shirley responded that their priorities are to turn on those wells that are severely contaminated more towards the higher demand period, so that limits presently the amount of pumping that takes place at those wells.

Ms. Clements asked if there was any consideration of using other technologies other than granular activated carbon (GAC) polishing. Mr. Shirley stated they did evaluate other remedies but the GAC treatment system was seen as the best alternative. Mr. Kimball replied from a legal perspective that drinking water treatment plant design needs to have a fail safe technology to prevent any possible human exposure. And he explained that the U.S. Environmental Protection Agency (EPA) agreed that GAC was the safest for any future drinking water use.

5. Call to the Public for Comments

Ms. Mariner asked for comments from the audience about the proposed work plan and laid out the procedures for doing so. Comment forms were made available at the meeting.

Mr. John Saccoman from the CAB thanked the RID for the presentation. He stated he wanted to hear from the professional community and the other side of the story. No other CAB members made comments.

Mr. Jay Willmore from Willmore Manufacturing, 3030 N.30th Avenue, stated that his company is a defendant in the RID lawsuit. He explained that his company manufactures stainless steel accessories for light duty trucks and been in business for 21 years. His company does not use any contaminants. He described how he purchased the lease to the building he occupies currently and his relationship with ADEQ who monitored the wells on his land. He spoke of securing two Phase I assessments done and receiving authorization from ADEQ to cap the wells. He concluded by saying that before this legal action took place he had a buyer for his company, but now he may just have to close it down and file for bankruptcy. He was opposed to the approval of the work plan.

Mr. Tim Eckenrode from Laundry & Cleaners Equipment Co., stated that he and his brother have owned a small laundry and dry cleaning supply distributing business for the last 33 years. They used to own a warehouse at 4120 S. Madison Street. He described a release in 1992 at that warehouse of 13 gallons of solvent into his dry well. In 1993, they voluntarily contacted ADEQ about cleaning up the spill and spent over \$125,000 to clean up the site. He described clean-up efforts that occurred in the early 1990's to remove PCE from the soil and groundwater. After years of soil and groundwater sampling, he received a certificate of clean closure from ADEQ, but CERCLA law declared that he would never get a clean bill of health from EPA. He concluded that he is also faced with the threat of losing his business from any settlement cost of the lawsuit. He was opposed to the approval of the work plan.

Mr. Craig Milum from Milum Textiles Services, 333 N. 7th Avenue, stated that his business is a commercial laundry. Between 1961 and 1978, they used PCE in the dry cleaning process. In 1990, ADEQ investigated his facility to see if their processing had contributed to PCE contamination in the water table. Mr. Milum explained that contaminant levels found at his business were considered of no concern. Later, samples taken a half mile down gradient revealed levels higher than those the same distance up gradient from his company. Because the property was and is considered of interest to ADEQ, it was listed as a potentially responsible party in the lawsuit. He felt if ADEQ accepts the RID's ERA, his company will spend years of litigation resulting in wasted money and resources. His concluding statement expressed a desire to engage in remediation efforts with ADEQ and the other impacted businesses through the WQARF process instead of the proposed ERA. Mr. Milum stated that this ERA is an attempt by

the RID to have over 100 businesses pay for their cost to change from a provider of irrigation water to a seller of drinking water to Westside communities. He was opposed to the approval of the work plan.

Mr. Richard Hayslip, Associate General Manager at Salt River Project (SRP), described SRP's history of surface water and groundwater use and conservation, and expressed dissatisfaction with the proposed ERA from the RID. In 1920, SRP entered into an agreement with the RID's predecessors to limit the amount of groundwater withdrawn to relieve local water logging conditions. It is SRP's position that all the pertinent agreements with the RID expire in 2026, after which time the RID may not legally pump and transport water from within the WVB WQARF site as contemplated in this proposal. He then explained the history of SRP's collaboration with ADEQ in the cleanup of other WQARF sites in Phoenix. He stated that they are also supportive of the cleanup of the WVB Site, but the RID's proposed ERA is neither prudent nor responsible from a water management and environmental cleanup prospective. He felt that the RID is proposing to take advantage of certain incentives and use remediated water to market water to the Westside cities outside of SRP reservoir district. These incentives were developed to encourage remediated water when no current uses existed. He believed that the RID has sufficient long-term irrigation demand to support a remedy based on existing uses. He further stated that his opinion was that this ERA was more of a public works project with the RID wanting other business to pay for under CERCLA law and not a groundwater remedy. He summarized by saying that the proposed ERA is not reasonable, appropriate, cost-effective, or necessary. It is also inconsistent with the state's policies for sustainable water supplies, it and violates SRP water rights and contracts. He was opposed to the approval of the work plan.

Mr. Glenn Hamer, President of the Arizona Chamber of Commerce and Industry, expressed opposition to the RID's ERA. He explained the impact that the proposed ERA would have on a number of chamber members and the subsequent community. He referenced the RID lawsuit that includes many chamber members which would be negatively impacted if the ERA work plan is approved. He stated that the proposed ERA is unreasonably broad, technically flawed, and extremely costly with a proposed groundwater treatment system that would treat contaminated water to drinking water standards and transport it out of the area. It is not required by law or needed to protect public health since there are no contact or injection risks. He was opposed to the approval of the work plan, and his concluding statement asked that ADEQ disapprove the ERA and find an alternative remedy.

Ms. Michelle Bolton representing the Greater Phoenix Chamber of Commerce echoed the sentiments of Mr. Hamer. She explained the negative impacts the proposed ERA will have on members of her organization as well as other businesses in the community. She reiterated her organization's mission of promoting small businesses, and, on their behalf, asked ADEQ to seek an alternative solution that is focused, targeted, and cost-effective. She explained that she thought that the goal of the WQARF program was to keep businesses going and do cleanup at the same time. The Chamber is committed to a reasonable regional solution that works through existing processes and rules and involves appropriate stakeholders to protect public health. She was opposed to the work plan and asked that ADEQ withhold its approval of the RID work plan.

Mr. Phil McNeely stated his position as the Environmental Programs Manager for the City of Phoenix (COP). As the area's drinking water supplier, he described COP's current drinking

water demands and the future needs of its citizens. He stated that COP is in support of clean drinking water but strongly disapproves of the proposed ERA. His reasons included: 1) COP believes that the RID has no legal right to take groundwater from COP's aquifer and sell it to the West Valley, 2) COP doesn't believe it will work because after decades of pumping, the water still has contamination, and 3) it is a very expensive treatment plant proposal that will only create drinking water for the RID without really affecting the plume. Mr. McNeely asked that ADEQ move forward with the WQARF process and do a feasibility study with all the stakeholders involved to meet the remedial objectives that will be decided soon. He was opposed to the RID work plan and encouraged ADEQ to come up with a more effective remedy.

Mr. Jerry Worsham stated he was the attorney with Gammage & Burnham representing Penn Racquet Sports. He agreed with the other comments that have been given so far. He expressed the position of his client that they are not a potential responsible party and outlined correspondences with the RID. He described his client's compliance with all past ADEQ requests and urged ADEQ to uphold the No Further Action letters that were sent to Penn. Penn asked that ADEQ reject the ERA proposal.

Ms. Troy Kennedy stated her affiliation with Honeywell, Inc., which is not an identified responsible party in the WVB area, and she expressed her support for ADEQ's WQARF Program. She believed that the RID ERA undermines the intent of the WQARF program and provides an overly cumbersome action. No immediate health risks have been identified. She stated that ADEQ should proceed with their feasibility study and was opposed to the RID work plan.

Mr. David Kimball spoke in defense of the proposed ERA work plan by pointing out that despite decades of knowing about this groundwater contamination, no responsible parties have stepped forward to address it. ADEQ required responsible parties to do source control, but the groundwater contamination was allowed to affect RID's wells, so that they no longer have an unrestricted use due to the contamination. ADEQ has not been in a position to take action to remediate the groundwater affecting RID's wells, and the potentially responsible parties have not stepped forward to address the contamination either. He described the legal ramifications of the "no action" approach of those involved where EPA might have to take the appropriate action. To avoid the high cost of EPA project management of a cleanup action, the RID proposed an ERA to address the issue. Mr. Kimball summarized by saying that many statements were made that were inaccurate and inconsistent with ADEQ's records. The RID is trying to take care of a 20-year problem that was caused by others and that has now adversely impacted their irrigation wells.

6. Acceptance and/or Changes to December 10, 2009 Minutes

Mr. Littell asked if everyone read the minutes and had any changes. Mr. Saccoman moved to accept the minutes as written. The motion was seconded by Ms. Reyes. All agreed to accept the motion, and the minutes were approved.

7. Next meeting date and Agenda discussion

It was agreed that the next meeting would be scheduled after ADEQ has prepared a Draft Remedial Objectives (ROs) Report for public comment with Proposed ROs. Mr. Saccoman asked maybe also getting a presentation from a different perspective on the RID proposal. Ms. Riemenschneider said she would check on that with management. The next CAB meeting would

include a presentation on the proposed ROs and any comments received in the solicitation period.

8. Adjournment

Mr. Saccoman motioned to adjourn. Ms. Reyes seconded. All agreed, and the meeting adjourned.



ROOSEVELT IRRIGATION DISTRICT REMEDIATION PROJECT

March 23, 2010



RID Remediation Project

Two-Phase Remediation:

- Phase I – Early Response Action
 - More immediate remedial action (prior to selection of final regional remedy) to address current risks
- Phase II – Final Remediation Plan
 - Multi-year process to select, approve, and implement a complete/final regional remedy



Principal Components of Early Response Action (ERA)

- Utilize existing infrastructure
- Make essential upgrades to infrastructure to ensure safe and efficient long-term capture and control of contaminants
- Tie-in and treat 10 most-contaminated wells for maximum beneficial use of groundwater



Principal Components of ERA (cont.)

- Build modular GAC treatment facility
- Mitigate public health exposures
- Prioritize pumping to maximize response action and protect unimpacted wells (no new pumping)
- Implement in ~ 18 months



Early Response Action

- Must satisfy generally applicable legal remediation requirements:
 - Water quantity
 - Water quality
 - Treatment system design
 - Pollutant transfer
- Must satisfy ERA-specific legal requirements (not final remedy requirements):
 - Authorized
 - Necessary
 - Cost effective
 - Reasonable
 - Technically feasible
 - Community involvement



General Legal Remediation Requirements: Water Quantity

- Must protect water supply of impacted and threatened wells (~50,000 to 80,000 gpm)
 - A.R.S. 49-282.06.B.4.b (shall not reduce the supply of water available to well owner)
- ERA protects production capacity of the 10 most-contaminated and 11 threatened RID wells



General Legal Remediation Requirements: Water Quality

- Must treat groundwater to meet drinking water end use
 - A.R.S 49-282.06.A.2 (protect maximum beneficial end use)
 - A.R.S. 49-282.06.B.4.b (protect reasonably foreseeable end use)
- ERA treats groundwater to meet drinking water end use as required by EPA at other Arizona sites (NIBW, Goodyear, 52nd Street OU2)



General Legal Remediation Requirements: Treatment System Design

- Must be fail-safe to protect public health
 - A.A.C. R18-16-411.C
- ERA utilizes GAC treatment system required by EPA at other Arizona sites (Goodyear, 52nd Street OU2)



General Legal Remediation Requirements: Pollutant Transfer

- Must not transfer contaminants from one environmental media (groundwater) to another (air)
 - ADEQ policy
 - Maricopa County Rule 330, Section 306
- ERA eliminates transfer of > 3,000 pounds of VOCs/hazardous air pollutants per year from the 10 most-contaminated wells



ERA-Specific Legal Requirements

- AUTHORIZED:
 - A.A.C. R18-16-405.A
- RID's ERA is "authorized" because it:
 - Addresses risks to public health, welfare, and the environment
 - Protects and provides a supply of water, and
 - Reduces the scope and cost of the final remedy



ERA-Specific Legal Requirements

- NECESSARY:

- A.R.S. 49-282.06.A.3
- A.A.C. R18-16-405.H.1

- Groundwater contamination and threats to RID wells, public health, welfare, and environment make RID's ERA "necessary" under state law
 - A.A.C. R18-16-405.I (ERA is "necessary" to address wells within ¼ to 1 mile of contamination)
 - Maricopa County/ADEQ pollutant transfer restriction
 - Consistent with other current remedial actions

ERA-Specific Legal Requirements

- COST EFFECTIVE:
 - A.R.S. 49-282.06.A.3
 - A.A.C. R18-16-405.H.1
- RID's ERA will utilize existing wells, conveyances, land, rights of way, and permits



ERA-Specific Legal Requirements

- REASONABLE:
 - A.R.S. 49-282.06.A.3
 - A.A.C. R18-16-405.H.1
- RID's ERA meets the general and ERA-specific legal requirements
- Addresses ~ 1/4 of RID's impacted/threatened water supply



ERA-Specific Legal Requirements

- TECHNICALLY FEASIBLE:
 - A.R.S. 49-282.06.A.3
 - A.A.C. R18-16-405.H.1
- RID's ERA utilizes proven and effective remedial technologies (pump-and-treat, GAC treatment system) as at other remedial sites



ERA-Specific Legal Requirements

- COMMUNITY INVOLVEMENT:
 - A.A.C. R18-16-405.H.2
- Although not required prior to commencement of the ERA, RID is committed to providing information to all interested parties and has met with PRPs, the WVBA CAB, state agencies, state legislators, local officials, etc.
 - A.A.C. R18-16-405.E

Questions?



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Groundwater
CLEANUP COALITION