Manzanilla, Enrique

From: Kimball III, David P. <DPK@gknet.com>
Sent: Saturday, June 2, 2018 5:57 PM
To: Manzanilla, Enrique
Cc: Strauss, Alexis; Maldonado, Lewis; Herrera, Angeles; Jordan, Deborah; Miller, Amy
Subject: Re: Roosevelt Irrigation District

Mr. Manzanilla:

Thank you for the update, and we sincerely hope to hear from EPA by June 10.

Per our previous correspondence and consistent with the ADEQ-approved and NCP-compliant RID groundwater remedial action for the WVBA WQARF Site, we have restarted the existing wellhead treatment systems on a few of the most-highly contaminated RID wells to mitigate the highest hazardous VOC releases to the local community. We are anxious to discuss with EPA our current thinking on how best to cost effectively address, as a matter of applicable law, all the other RID wells that have been contaminated above applicable water quality standards by groundwater contamination that has migrated from the Motorola 52nd Street Superfund Site and is being released into the air of the local community in the WVBA WQARF Site.

Funding from PRPs, ADEQ (who is responsible for orphan shares under the WQARF Program) or the P3 that RID has organized will be needed in the very near future both to continue operating the existing wellhead treatment systems and to fully implement the remedy required for the groundwater contamination migrating from the Motorola 52nd Street Superfund Site and into the WVBA WQARF Site. Time is of the essence to address both the migrating groundwater contamination and the ongoing hazardous VOC releases into the local low income, minority community in the WVBA WQARF Site.

We look forward to hearing from EPA on addressing these serious issues.

David Kimball

Sent from my T-Mobile 4G LTE Device

-------- Original message --------
From: "Manzanilla, Enrique" <Manzanilla.Enrique@epa.gov>
Date: 6/1/18 2:50 PM (GMT-07:00)
To: "Kimball III, David P." <DPK@gknet.com>
Cc: "Strauss, Alexis" <Strauss.Alexis@epa.gov>, "Maldonado, Lewis" <Maldonado.Lewis@epa.gov>, "Herrera, Angeles" <Herrera.Angeles@epa.gov>, "Jordan, Deborah" <Jordan.Deborah@epa.gov>, "Miller, Amy" <Miller.Amy@epa.gov>
Subject: RE: Roosevelt Irrigation District

Mr. Kimball – I am following up on my May 16th email to you regarding your requests for EPA to enter an agreement with RID for its proposed West Van Buren WQARF site remedy. I had indicated you would receive a response by the end of May; however, we will be a little delayed. We expect to have a response to you within the next 10 working days.

Thank you for your patience.

Enrique Manzanilla
Director, Superfund Division

From: Kimball III, David P. [mailto:DPK@gknet.com]
Sent: Tuesday, May 29, 2018 1:39 PM
To: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>
Cc: Strauss, Alexis <Strauss.Alexis@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Herrera, Angeles <Herrera.Angeles@epa.gov>
Subject: RE: Roosevelt Irrigation District

Mr. Manzanilla:

We look forward to EPA's response regarding EPA's involvement in implementing the RID remedial action at the West Van Buren Area (WVBA) Water Quality Assurance Revolving Fund (WQARF) Site that has been approved by the Arizona Department of Environmental Quality (ADEQ) as "reasonable, necessary, cost-effective and technically feasible" under applicable Arizona law and by a federal judge as "substantially compliant" with the federal National Contingency Plan.

As you mentioned in San Francisco at our March 13, 2018 meeting, EPA has approved interim remedial actions prior to a site being included on the National Priorities List (NPL) or as an operable unit of an existing NPL site. In fact, it appears that the interim groundwater extraction, containment and treatment remedial action at the Motorola 52nd Superfund Street Site was approved by EPA in 1988 even though the site was not added to the NPL until October 1989. Therefore, we look forward to working with EPA to address one of the largest groundwater contaminant plumes in the United States by implementing the government-approved RID remedial action and utilizing the existing RID infrastructure that RID, ADEQ, OU3 and WVBA PRPs and a federal judge have determined is necessary to meet ADEQ's applicable remedial action criteria and objectives for the WVBA WQARF Site and EPA's remedial action objectives for the Motorola 52nd Street Superfund Site.

Best regards,

David Kimball

From: Kimball III, David P.
Sent: Wednesday, May 16, 2018 5:21 PM
To: 'Manzanilla, Enrique' <Manzanilla.Enrique@epa.gov>
Cc: Strauss, Alexis <Strauss.Alexis@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Herrera, Angeles <Herrera.Angeles@epa.gov>
Subject: RE: Roosevelt Irrigation District

Director Manzanilla:

Thank you for the quick response. We look forward to your responses by the end of May.

Best regards,

David Kimball

From: Manzanilla, Enrique [mailto:Manzanilla.Enrique@epa.gov]
Sent: Wednesday, May 16, 2018 3:52 PM
To: Kimball III, David P. <DPK@gknet.com>
Cc: Strauss, Alexis <Strauss.Alexis@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Herrera, Angeles

<Herrera.Angeles@epa.gov>
Subject: Re: Roosevelt Irrigation District

Mr. Kimball – We have received your letter and your email to our region in support of the State of Arizona's April 24th request that EPA evaluate the Motorola 52nd Street Site western boundary and the West Van Buren WQARF Site for listing on EPA's National Priorities List. We have also been provided your April 26 letter to Administrator Pruitt for response. We are in the process of providing an initial reply to the State and will share that with you once it is sent.

Additionally, following up on our March 13thmeeting in our offices as well as your correspondence from March 15th and April 18th, we plan to respond to you regarding your request for EPA to enter into an agreement with RID for a West Van Buren proposed remedy. We expect to provide a response to you by the end of this month.

Thank you.

Enrique Manzanilla
Director, Superfund Division
US EPA REGION IX

Sent from my iPhone

On May 16, 2018, at 8:30 AM, Kimball III, David P. <DPK@gknet.com> wrote:

> Dear Ms. Strauss:
>
> Thank you for your prompt response. We very much would appreciate an update on EPA's next steps, process and timing in addressing ADEQ's formal request to EPA to evaluate extending the boundaries of the Motorola 52nd Street federal Superfund Site to include most of the current WVBA WQARF Site. Of course, as we have discussed with EPA and as described and justified in ADEQ's April 24, 2018 request, we strongly believe that extending the boundaries of the Motorola 52nd Street federal Superfund Site to cover the portions of the WVBA WQARF Site as depicted in ADEQ's April 24, 2018 letter is fully consistent with applicable Superfund program policies and procedures. Furthermore, such action by EPA is the most expeditious means to contain and restore contaminated groundwater in the largest contamination site in the State and protect the local low income, minority community from further direct exposure to releases of harmful VOCs.
>
> We also would appreciate feedback on the various procedural options to expedite RID's remedial actions as presented and discussed in our recent meeting and prior correspondence with EPA, assuming EPA were to extend the Motorola 52nd Street Superfund Site boundaries.
>
> As mentioned in our last correspondence, RID is in the process of restarting the existing RID wellhead treatment systems and would like to discuss our current thinking on how best to fully implement the ADEQ-approved and NCP-compliant RID groundwater pump and treat remedial action in the WVBA WQARF Site. As we have explained previously, full remediation can be performed using private funds without any costs to EPA beyond necessary and appropriate oversight.
>
> Let us know potential dates and times your team would be available for a meeting or conference call.
>
> David Kimball

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Phoenix, Arizona 85016-9225
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David P. Kimball III
Attorney Profile
dpk@gknet.com
602-530-8221

From: Strauss, Alexis [mailto:Strauss.Alexis@epa.gov]
Sent: Wednesday, May 09, 2018 1:02 PM
To: Kimball III, David P. <DPK@gknet.com>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>
Subject: RE: Roosevelt Irrigation District

Dear Mr. Kimball,
Thank you for the update. We've been working closely with Arizona DEQ on this matter and would be glad to update you on next steps.
Kind regards,
Alexis Strauss

Alexis Strauss
Acting Regional Administrator
E.P.A. Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3572

From: Kimball III, David P. [mailto:DPK@gknet.com]
Sent: Wednesday, May 9, 2018 1:00 PM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>
Cc: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: Roosevelt Irrigation District

Please see attached letter.

2575 E. Camelback Road, Suite 1100
Phoenix, Arizona 85016-9225
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David P. Kimball III
Attorney Profile
dpk@gknet.com
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