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VIA E-MAIL AND U.S. MAIL
Mr. Enrique Manzanilla
Director
U.S. ENVIRONMENTAL PROTECTION AGENCY
75 Hawthorne Street
San Franscisco, CA 94105-3901

Re: ***Roosevelt Irrigation District***

Mr. Manzanilla:

We wanted to provide EPA with a brief update on the actions that Roosevelt Irrigation District (RID) is taking to address the contaminated groundwater plume within the West Van Buren Area (WVBA) Water Quality Assurance Revolving Fund (WQARF) Registry Site in Phoenix, Arizona. As explained in our meeting with your team in San Francisco on March 13, 2018, the contamination has seriously contaminated RID's water supply wells and is causing uncontrolled releases of hazardous volatile organic compounds (VOCs) into the air of the local low income, minority community. The VOC plume is the result of numerous releases of hazardous substances from multiple, widespread industrial and governmental facilities located within the WVBA WQARF Site and the Motorola 52nd Street federal Superfund Site, making this the largest groundwater contaminant plume in Arizona and one of the largest in the United States.

Following our meeting in San Francisco, we requested a meeting with Arizona's Governor. We were able to meet with the Governor's General Counsel, the Director of Arizona's Departments of Environmental Quality (ADEQ) and Water Resources and representatives of the Arizona Attorney General's Office. The meeting highlighted RID's voluntary remedial action efforts to date, including the RID groundwater pump and treat operations that have been approved by ADEQ and determined by a federal judge to be compliant with the National Contingency Plan (NCP) as a cost-effective solution to address "what is admittedly a very serious problem" posed by the "plumes of very deadly carcinogenic chemicals" in the groundwater under the City of Phoenix and in air emissions to the local community in the WVBA.

As discussed with your team and the Governor's Office, we have secured private funds to fully implement and operate the ADEQ-approved and NCP-compliant RID voluntary remedial actions that will not only address the groundwater contamination and hazardous air emissions within the WVBA WQARF Site, but also the VOC-contaminated groundwater migrating from the adjacent, upgradient Motorola 52nd Street federal Superfund Site. Of course, such private funding is necessarily conditioned on government assurance that the governmental-approved remedial actions, as required at all State WQARF Sites and EPA CERCLA sites, will be required to continue until applicable water quality standards are achieved, which are the Arizona aquifer water quality standards (AWQSs) and the federal maximum contaminant levels (MCLs) for the hazardous VOCs.

Although the State of Arizona has not yet decided whether it will provide the necessary assurance authorized and required under state law, we believe EPA could provide the necessary assurance to enable full implementation and operation of the ADEQ-approved and NCP-compliant RID remedial actions using private funds to accelerate cleanup of the hazardous VOC-contaminated groundwater and air emissions. In addition to the federal options discussed with EPA during our March 13, 2018 meeting and in our follow-up March 15, 2018 letter, we would ask EPA also to consider entering into an agreement with RID to address the VOC contamination impacting the WVBA WQARF Site, similar to the recent EPA agreement with Atlantic Richfield at the Anaconda Copper Mine in Nevada.

Many of the facilities identified by ADEQ and EPA as sources for the groundwater contamination in the WVBA have undergone the Superfund Site assessment process and are included in the archived Superfund Enterprise Management System. The identified releases of hazardous VOCs at and/or from these industrial and governmental facilities have contaminated the groundwater and RID's water supply wells above the applicable AWQSs and MCLs, resulting in additional hazardous air emissions to the local community. Consistent with the requirements for the Anaconda Copper Mine in Nevada, ADEQ and the federal court already have determined that the RID remedial actions are a "CERCLA-protective cleanup" because the response actions (i) are protective of human health and the environment (consistent with the remedial action objectives established by ADEQ and acceptable to EPA at other groundwater cleanups), (ii) comply with federal ARARs and state ARARs under Arizona's applicable WQARF program; (iii) employ treatment technologies that permanently control and significantly reduce the contaminant toxicity, mobility or volume, (iv) are reasonable, necessary and cost-effective, consistent with CERCLA sections 121(b) and (d), 42 U.S.C. § 9621(b) and (d), and (v) comply with community involvement activities.

In an effort to accelerate and sustain the cleanup of one of the largest groundwater contaminant plumes in the United States, without any financial contribution from the federal Superfund, we would welcome the opportunity to discuss a similar approach as that approved by EPA at the Anaconda Copper Mine in Nevada.

Very truly yours,

GALLAGHER & KENNEDY, P.A.

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