



Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera
Director

CERTIFIED MAIL
Return Receipt Requested
USPS # 7020 0640 0000 7690 0278

October 22, 2020

Mr. Ken Allison
Western States Petroleum
450 South 15th Avenue
Phoenix, AZ 85007

RE: TERMINATION OF THE APPROVED CORRECTIVE ACTION PLAN

LUST Case File #1180.01	Gasoline valve/product piping between USTs
LUST Case File #1180.02	1K gasoline/diesel fuel UST #5
LUST Case File #1180.03	10K regular gasoline UST #4
Facility ID # 0-005628	Bob's Shell and Food Mart
Pinal County	981 S. Arizona Blvd. Coolidge, Arizona 85128

Dear Mr. Allison:

The Arizona Department of Environmental Quality (ADEQ) Waste Program's Underground Storage Tank (UST) Corrective Action Unit (CAU) has reviewed the referenced LUST case file, which included the document titled *Corrective Action Plan* (CAP) dated June 21, 2012. The CAP was prepared by Environmental Technology, Inc. on behalf of Western States Petroleum. This CAP was received by ADEQ on June 22, 2012 and approved on March 13, 2013. The CAP recommended soil vapor extraction and air sparging as the most appropriate and cost effective remedial option. Based on the information in the CAP and case file, ADEQ has decided to terminate the CAP in accordance with Arizona Administrative Code (A.A.C.) R18-12-263.02 (J). This decision is based on the following rationale:

1. Corrective action standards outlined in A.A.C. R18-12-263.03 and R18-12-263.04 have been met:
 - a. The soil vapor extraction system has become asymptotic.

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- b. Groundwater elevation has dropped onsite, leaving the air sparge wells dry and inoperable.
- c. Groundwater samples are being collected under the ADEQ Preapproval Program to demonstrate groundwater plume stability.
- d. Actions are being taken onsite to collect data to support R18-12-263.04 closure onsite within the next year.

PUBLIC PARTICIPATION

Pursuant to A.A.C. R18-12-264.01, ADEQ will provide an opportunity for public comments on the termination of the approved CAP by publishing a public notice on ADEQ's website and making the Leaking UST (LUST) case file available for viewing at ADEQ's Phoenix office. A copy of the public notice titled *PROPOSED TERMINATION OF THE APPROVED CORRECTIVE ACTION PLAN* is attached.

The public comment period will be in effect from October 23, 2020 through November 22, 2020. If ADEQ receives written comments from the public during the notification period, ADEQ will consider those comments and determine if a public meeting will be held.

ADDITIONAL INFORMATION

The Facility ID and LUST case file numbers should be included on all correspondence and reports relating to this UST facility to ensure accuracy of file identification. The enclosed *Document Submittal Form* must be attached to any document submitted to ADEQ. Information pertaining to the UST program can be obtained by accessing ADEQ's web page at www.azdeq.gov, or by visiting ADEQ's office at 1110 W. Washington Street, Phoenix. Information pertaining to A.R.S., Title 49, can be obtained by accessing the Arizona Legislative Computer Services web page at www.azleg.gov. The UST rule citations may be found at www.azsos.gov.

You may contact the Records Center staff about reviewing or copying case file information at (602) 771-4380. If you have any questions regarding this correspondence, please contact me at (602) 771- 4269 or at tabor.garrett@azdeq.gov.

NOTICE OF RIGHT TO FORMAL APPEAL

Please review the enclosed *Notice of Appeal Rights of Interim Decision* if you wish to appeal the contents of this letter. To file a formal appeal of this letter, you must file a notice of appeal or a request for a hearing with ADEQ within thirty (30) days of receiving this letter.

ADEQ encourages you to request a facility meeting to discuss the site. Facility meeting requests can be made by completing the form found at

Mr. Allison
October 14, 2020
Page 3 of 4

https://static.azdeq.gov/forms/ust_facility_meeting_rqst.pdf and submitting by email to ustadmin@azdeq.gov or by fax to 602-771-4272.

Sincerely,



Garrett Tabor
Hydrogeologist II
Corrective Action Unit
UST-Leaking UST Section

Sincerely,

Jason Kocer

Jason Kocer
Unit Manager
Corrective Action Unit
UST-Leaking UST Section

Enclosures: *UST Program Appeals Guidance*

cc: Tito Comparan, Water Quality Unit
Arizona Department of Water Resources
1110 W. Washington St, Suite300
Phoenix, AZ 85007

cc: Rick F Miller, City Administrator
City of Coolidge
130 W. Central Avenue,
Coolidge, AZ 85128

cc: Lonnie Frost County Administrator
County of Pinal
31 N Pinal St, Bldg A
Florence, AZ 85132

cc: Roxanne Linsley
ADEQ Community Liaison
400 W. Congress, Ste 433
Tucson, AZ 85701

Notice of Appeal Rights of Interim Decision

This letter is considered an interim determination and you have the right to an informal appeal. To exercise the right, you must file a request for an agency review of the decision by filing a Notice of Disagreement pursuant to A.R.S. §49-1091. The review process may include an informal meeting with ADEQ to discuss the decision.

To File Notice of Disagreement

To file an informal appeal of this decision, you must file a Notice of Disagreement (Notice) with ADEQ within thirty (30) days of receiving this letter. Pursuant to A.R.S. § 49-1091(C) the notice must include a written description of the specific portions of the decision with which you disagree and may include a request for a meeting with ADEQ to resolve the disagreement. ADEQ shall issue a final written decision within forty-five (45) days after receiving the Notice, or within fifteen (15) days of the informal meeting, whichever is later. If ADEQ fails to issue a final written decision within the times specified, the written interim determination becomes the final written decision which is an appealable agency action pursuant to A.R.S. §41-1092.03.

If No Notice of Disagreement is Filed

If you do not file a Notice of Disagreement, ADEQ shall issue a final written decision within forty-five (45) days after issuance of the interim decision. If ADEQ fails to issue a final written decision within the time specified, this written interim decision becomes the final written decision which is an appealable agency action pursuant to A.R.S. §41-1092.03.