



Douglas A. Ducey
Governor

ARIZONA DEPARTMENT
OF
ENVIRONMENTAL QUALITY



Misael Cabrera
Director

CERTIFIED MAIL

Return Receipt Requested
USPS # 7020 0640 0000 7690 4214
USPS # 7020 0640 0000 7690 4245

April 15, 2021

Mr. Eli Gurian
Phillips 66 Company
1230 West Washington Street #212
Tempe, Arizona 85281

RE: CORRECTIVE ACTION PLAN TERMINATION

UST Owner/Operator ID #5212
LUST Case File #4125.05
Facility ID #0-001260
Coconino County

ConocoPhillips Company
Gasoline fuel dispenser
Circle K #583
3 North Lake Powell Boulevard
Page, Arizona 86040-0828

Dear Mr. Eli Gurian,

The Arizona Department of Environmental Quality (ADEQ) Waste Program Division’s Underground Storage Tank (UST) Corrective Action Unit (CAU) has reviewed the referenced LUST case file, and the approved *Corrective Action Plan* (CAP) dated February 7, 2008. The ADEQ reviewed the approved CAP that stated that corrective action standards for the selected remedial alternative was to be achieved within 34 months. In accordance with Arizona Administrative Code (A.A.C.) R18-12-263.02 (J), ADEQ has determined that the approved CAP should be terminated based on the corrective action goals not being met within the approved time frame of 34 months after the CAP approval.

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 April 15, 2021 through May 15, 2021. 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.

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

Notice of Appeal Rights of Interim Decision

This letter is considered an interim determination and you have the right to an informal appeal. For more information, refer to Attachment A.

Thank you for your efforts to comply with Arizona's environmental requirements. Any questions you may have on the review of your submittal can be directed to Erin Abel at (602) 771-4667 or Abel.Erin@azdeq.gov.

Sincerely,

Erin Abel
Corrective Action Unit
UST – Leaking UST Section
Arizona Department of Environmental Quality

Enclosures: *Attachment A: Notice of Appeal Rights of Interim Decision*
Copy of ADEQ's Public Notice of Proposed Termination of the Approved Corrective
Action Plan

Mr. Eli Gurian
April 15, 2021
Page 3 of 4

- cc: Alan Cubberley, Property Owner
Circle K Stores Inc.,
1120 West Warner Road
Tempe, Arizona 85284
via email: acubberley@circlek.com
- cc: Tito Comparan, Water Quality Unit
Arizona Department of Water Resources
1110 West Washington Street, Suite 300
Phoenix, Arizona 85004
via email: tgcomparan@azwater.gov
- cc: Darren Coldwell, City Administrator
City of Page
P.O. BOX 1180
Page, Arizona 86040
via email: dcoldwell@pageaz.gov
- cc: James Jayne, County Administrator
County of Coconino
219 East Cherry Avenue
Flagstaff, Arizona 86001
- cc: Morgan O'Connor
ADEQ Community Liaison
County of Coconino
via email: occonnor.morgan@azdeq.gov

Attachment A

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.

Main Office

1110 Washington Street • Phoenix, AZ 85007
(602) 771-2300

Southern Regional Office

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www.azdeq.gov
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