



Douglas A. Ducey
Governor

ARIZONA DEPARTMENT
OF
ENVIRONMENTAL QUALITY



Misael Cabrera
Director

CERTIFIED MAIL

Return Receipt Requested

USPS # 7017 0660 0001 0576 7117

October 8, 2021

Mr. Tim Herbst, President
Terrible Herbst, Inc.
P.O. Box 93417
Las Vegas, Nevada 89193

RE: PRELIMINARY APPROVAL OF A CORRECTIVE ACTION PLAN

UST Owner/Operator ID #3441
LUST Case File #1794.01
Facility ID # 0-004897
Mohave County

Terrible Herbst, Inc.
10,000-gallon gasoline UST
Terrible Herbst Station #101
60 Lake Havasu Avenue North
Lake Havasu City, Arizona 86403

Dear Mr. Herbst:

The Arizona Department of Environmental Quality (ADEQ) Waste Program's Underground Storage Tank (UST) Corrective Action Unit (CAU) has reviewed the document titled **CORRECTIVE ACTION PLAN MODIFICATION**, which was prepared by The Westmark Group on behalf of Terrible Herbst, Inc. This Corrective Action Plan (CAP) was dated September 10, 2021 and was received by ADEQ on September 10, 2021. The CAP recommended Multi-Phase Extraction (MPE) as the most appropriate and cost-effective remedial option.

ADEQ has determined that Multi-Phase Extraction should ensure the adequate protection of public health, welfare and the environment, provide for the maximum beneficial use of the soil and waters of the state, and be reasonable, necessary, technically feasible, and cost effective. Therefore, in accordance with Arizona Administrative Code (A.A.C.) R18-12-263.02(D), ADEQ has decided that the CAP is complete and is granted preliminary approval.

PUBLIC PARTICIPATION

Pursuant to A.A.C. R18-12-264.01, ADEQ will provide an opportunity for public comments on the proposed corrective action. ADEQ will provide an opportunity for public comments by publishing the public notice on ADEQ's UST Program website and making the CAP available for viewing at ADEQ's main office. A copy of the public notice titled ***PROPOSED LEAKING UST (LUST) CASE CLEAN UP*** is attached.

The public comment period will be in effect from October 8, 2021 through November 7, 2021. If ADEQ receives written comments from the public during the notification period, ADEQ will determine if a public meeting will be held. Terrible Herbst, Inc shall incorporate any modification to the CAP that ADEQ requires within forty-five (45) days of receiving notification. If the CAP is approved, implementation of the scheduled activities must commence in accordance with the approved CAP schedule.

NOTICE OF APPEAL RIGHTS

To file an informal appeal of this letter, you must file a notice of disagreement with ADEQ within thirty (30) days of receiving this letter. The notice may include a request for a meeting with ADEQ to resolve the disagreement.

ADDITIONAL INFORMATION

The Facility ID and Leaking Underground Storage Tank (LUST) case file numbers should be used on all correspondence and reports relating to this UST facility to ensure accuracy of file identification. The *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.

Please provide a copy of this letter to your consultant.

Mr. Tim Herbst
October 8, 2021
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Sincerely,

Garrett Tabor

Garrett Tabor, Hydrogeologist III
Corrective Action Unit
UST-LUST Value Stream

Sincerely,

Lee-Anna Walker

Lee-Anna Walker, Unit Manager
Corrective Action Unit
UST-LUST Value Stream

Enclosures: *UST Program Appeals Guidance*

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

cc: Jess Knudson, City Manager
knudsonk@lhcaz.gov
City of Lake Havasu
2330 McCulloch Blvd N
Lake Havasu City, AZ 86403

cc: Sam Elters, County Manager
sam.elters@mohavecounty.us
County of Mohave
P.O. Box 7000
Kingman, AZ 86402

cc: Jaime Hernandez
hernandez.jaime@azdeq.gov
ADEQ Community Liaison
2351 W. 26th St. Ste. C-52
Yuma, AZ 85364

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cc: Michelle De Blasi
mdeblasi@mdb-law.com
Law Office of Michelle De Blasi, PLLC
770 East Doubletree Ranch Road, Ste. 300
Scottsdale, AZ 85258
Attorney for Terrible Herbst, Inc.

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.