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June 25, 2020
BEC Job No. J130103

Ms. Caitlin Burwell, Project Manager
Arizona Department of Environmental Quality
Voluntary Remediation Program
1110 West Washington Street
Phoenix, AZ 85007

**RE: Request for No Further Action (NFA) Determination
Former Marlatt's Garage
1249 East 8th Street
Tempe, Maricopa County, Arizona
VRP Site Code #513272-00**

Dear Ms. Burwell:

On behalf of 8th Street Filling Station, LLC, Bender Environmental Consulting, Inc. (BEC) is requesting that the Arizona Department of Environmental Quality (ADEQ) issue a No Further Action (NFA) determination for soil underlying a portion of the former Marlatt's service station (the "Property"). The Property is located at 1249 East 8th Street in Tempe (Maricopa County), Arizona. The Property is comprised of Maricopa County Assessor Parcel Numbers (APN) 132-73-038 and -037, however, the NFA area is limited to a 635 square foot (sf) portion of the -038 parcel of the Property.

The Property location and vicinity are shown on Figure 1. Figure 2 presents the Property map showing previous sample locations and excavated areas, along with the proposed NFA Area. This request is made pursuant to Arizona Revised Statutes (ARS) § 49-181(A) to acquire an NFA determination from the ADEQ. The NFA determination is to address an approximate 635 square-foot (sf) portion of the Property south of the Former Marlatt's Garage building. Analytical data have indicated that soil was impacted in part of the area by lead exceeding Residential and/or Non-Residential Soil Remediation Levels (SRLs) prior to remediation in 2013. The remaining portions of the NFA Area that did not require remediation include the characterization samples that defined the extent of lead contamination above SRLs.

BACKGROUND

The identification of the lead-impacted soils was made during the completion of a Phase I Environmental Site Assessment (ESA) of the subject Property conducted by BEC in early 2013. BEC subsequently conducted site characterization and cleanup activities of the lead-impacted soils in 2013. The remediation met the objective of complying with the Residential Soil Remediation Levels (SRLs) for lead. The remediation report was recently submitted to ADEQ's VRP, and is entitled *Characterization and Remediation of Lead-Impacted Soils, Former Marlatt's Garage, 1249 East 8th Street, Tempe, Maricopa County, Arizona*, (May 30, 2013).

In emailed correspondence on May 27, 2020, ADEQ indicated that the soils at the Property would have to comply with Groundwater Protection Levels (GPLs), in addition to the SRLs, prior to issuing a NFA for the Property. ADEQ suggested that an Alternative GPL could be calculated to allow compliance with Arizona Administrative Code (A.A.C.) R18-7-203(B)(1). BEC recently conducted additional soil sampling and analysis to establish the site-specific Alternative GPL for

lead at the Property. The results of this sampling and analysis, and the calculation of an Alternative GPL were compiled in a report entitled Sampling Results and Calculation of Alternative Groundwater Protection Level (GPL) for Lead, Former Marlatt's Garage, 1249 East 8th Street, Tempe, Maricopa County, Arizona (June 20, 2020). This report has also been submitted to the ADEQ VRP.

REQUEST FOR NO FURTHER ACTION (NFA)

The ADEQ issued a letter on June 17, 2020 accepting the Former Marlatt's Garage Property into the VRP. On June 21, 2020, the ADEQ issued an email to BEC stating that the Alternative GPL calculated for lead based on co-located soil samples appeared to satisfy the requirements to protect groundwater, and to move forward with preparation of the NFA Report. The following sections comply with the seven report requirements listed in ARS § 49-181, Paragraph A:

1. A Description of the Specific Contaminants of Concern for which a No Further Action Determination is Being Sought:

The NFA determination will address an approximate 635 square-foot area of soil designated as the NFA Area south of the former Marlatt's former service station building, as shown on Figure 2. This area includes the remedial excavation and surrounding areas which specifically include the soil sample used to calculate the Alternative GPL for lead, and the samples used to define the lateral extent of lead above the Residential SRL. The only Contaminant of Concern is lead.

2. A Description of the Actions Taken to Achieve Remediation Levels or Controls Determined in Accordance with 49-175, Subsection B:

The lateral extent of soil above SRLs for lead was defined through sampling to an area from the edge of the building extending south for approximately 10 feet, and a width of approximately 17 feet along the building, and narrowing to only 11 feet to the south (see Fig. 2). The vertical depth of soil exceeding SRLs for lead was estimated to be generally less than 2 ½ feet in depth, and even shallower (one foot) at the northeast corner of the impacted area. On April 19, 2013, the impacted soils were excavated and removed for off-site disposal by a contractor. The soils (11.47 tons) were transported to the Butterfield Station Facility (landfill) for disposal as non-regulated soils based on profile sampling and analysis.

At the request of ADEQ, a co-located (split) soil sample was recently collected and analyzed for total lead and SPLP lead, to allow for calculation of an Alternative GPL. The calculated result indicated an Alternative GPL for lead of 368,487.10 milligrams/kilogram which is not exceeded by any of the soil sample results representing remaining soil at the Property. Based on their review of this result, ADEQ suggested that the NFA Report should be prepared and submitted.

3. A Description of Any Soil, Water, or Soil and Water Treatment Systems Used as Part of the Remediation:

As stated above, the only remediation conducted at the Property was excavation and off-site disposal of lead-impacted soils. Additional remedial efforts are neither required by, nor being overseen by the ADEQ.

4. Whenever Institutional or Engineering Controls are Placed on the Site:

(a) A demonstration that any engineering control or combination of engineering controls has been constructed, is functioning, and will be maintained

(b) A description of the proposed land use for the site and a demonstration that the use will not compromise the integrity of the engineering controls and will be in accordance with any institutional controls

No institutional and/or engineering controls subsequent to this NFA request are necessary regarding the former soil contamination at the Site.

5. If Post-Remediation Monitoring is Proposed, a Description of the Type of Monitoring, Monitoring Locations, Contaminants to be Monitoring, Monitoring Frequency, and Sampling Procedures:

The remedial excavation conducted in 2013 and site characterization data show that remaining soils meet SRLs and the Alternative GPL calculated for the Property; therefore, no post-remediation monitoring is needed.

6. A Description of Community Involvement Activities Undertaken to Meet the Requirements of § 49-176:

A public notice stating that NFA was requested for the Site has been drafted and is included as Attachment A. Upon approval from the ADEQ, the public notice will be submitted to the Arizona Republic newspaper and published for a minimum of one day. Upon publishing of the public notice, the 30-day comment period will commence. A draft of the public notice is presented in Appendix A.

7. List of Permits Under this Title Obtained for the Remedial Action or Held by the Applicant Pertaining to the Site:

The only remedial actions previously conducted consisted of a shallow excavation for lead-impacted soil. No permits were required and none were obtained.

CONCLUSIONS

Based on the Site data, facts presented in this letter, and previous documents submitted to ADEQ, it is requested that ADEQ issue a NFA determination for soil beneath the approximately

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635 sf area south of the former Marlatt's Garage building. It is specifically requested that the NFA letter indicate that no further action (including, without limitation, any investigation, characterization and/or any remediation) is necessary, and that no institutional controls, deed restrictions, or land use covenants are required in regard to the Property.

Please contact Mr. Gary A. Bender, R.G. at (480) 345-2448 if you have any questions or need additional information.

Respectfully submitted,
Bender Environmental Consulting, Inc.

Gary A. Bender, R.G.
Senior Geologist



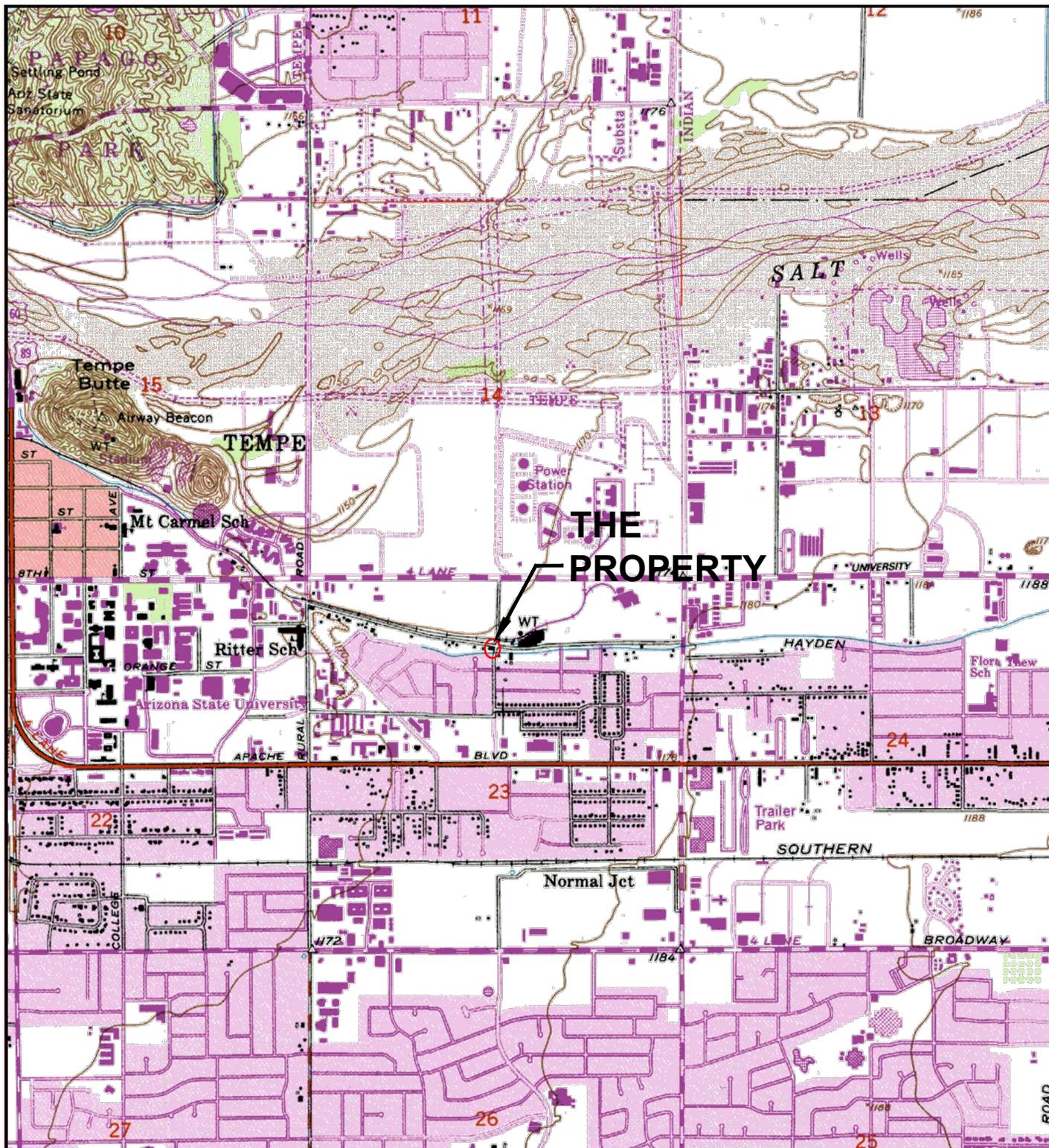
Attachments:

Figure 1 – Vicinity Map
Figure 2 – Excavation Boundaries and Soil Sample Locations, South Yard Area (NFA Boundary Map)
Draft Public Notice

Cc: Mr. Rudi Vafadari (8th Street Filling Station, LLC)

Bender Environmental Consulting, Inc.
1929 East Myrna Lane
Tempe, Arizona 85284
Tel: (480) 345-2448
Fax: (480) 345-2474

FIGURES



SOURCE: USGS - 7.5 MIN TOPO
 TEMPE, ARIZONA
 QUADRANGLE - 1952
 PHOTOREVISED - 1982



SCALE IN FEET



1929 EAST MYRNA LANE
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VICINITY MAP
 FORMER MARLATT'S GARAGE
 1249 EAST 8TH STREET
 TEMPE, ARIZONA

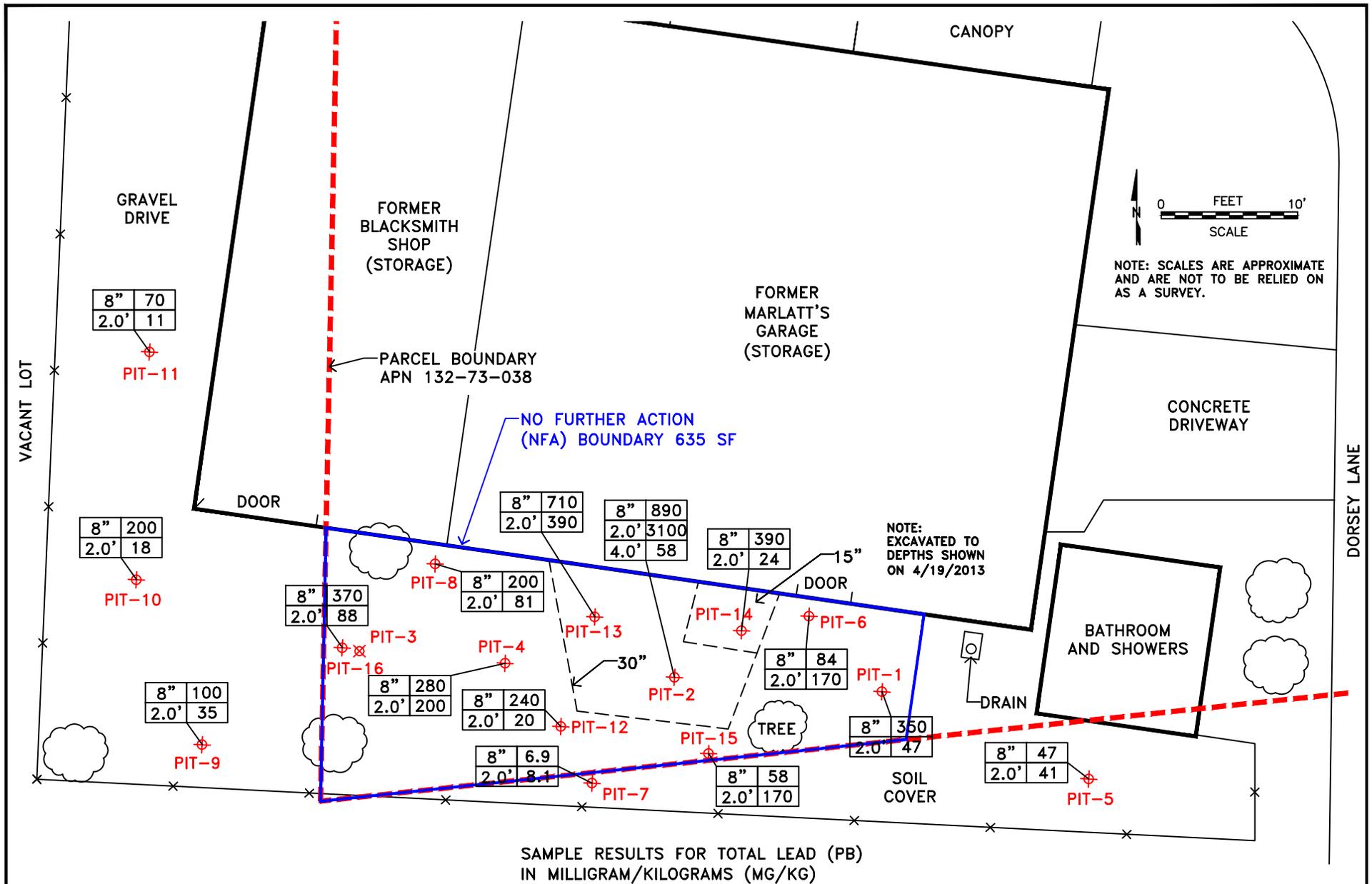
Prepared By:
 G. BENDER

Reviewed By:
 K. BENDER

Date:
 01/2013

Project No:
 J121203

Figure No:
 1



SAMPLE RESULTS FOR TOTAL LEAD (PB)
IN MILLIGRAM/KILOGRAMS (MG/KG)

SOURCES: BENDER ENVIRONMENTAL CONSULTING, INC. 2013

LEGEND

- ⊕ PIT-1 HAND DUG PITS (TO 8") AND HAND AUGER (TO 2' OR 4') (BEC, JAN. AND FEB. 2013)
- ⊗ PIT-16 HAND DUG PIT TO 8" (BEC, JUNE 2020)

BENDER ENVIRONMENTAL CONSULTING, INC.

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EXCAVATION BOUNDARIES AND SOIL SAMPLE LOCATIONS SOUTH YARD AREA
FORMER MARLATT'S GARAGE
1249 EAST 8TH STREET
TEMPE, ARIZONA

Prepared By: G. BENDER	Project No: J121203
Reviewed By: K. BENDER	
Date: 04/2013	Figure No: 2

DRAFT PUBLIC NOTICE

**NOTICE OF 30-DAY PUBLIC COMMENT PERIOD
FORMER MARLATT'S GARAGE VOLUNTARY REMEDIATION PROGRAM
REQUEST FOR NO FURTHER ACTION DETERMINATION**

Bender Environmental Consulting, Inc. (BEC), on behalf of 8th Street Filling Station, LLC, has submitted a request for a No Further Action (NFA) determination to the Arizona Department of Environmental Quality (ADEQ) Voluntary Remediation Program (VRP) for a portion of the Former Marlatt's Garage VRP site located at 1249 East 8th Street, in Tempe Arizona (Site Code 511863-00). The NFA requests closure for soil and was submitted in accordance with Arizona Revised Statutes § 49-181(A).

The Former Marlatt's Garage VRP site is located at 1249 East 8th Street, in Tempe Arizona. The NFA Area consists of an approximately 635 square-foot area south of the Former Marlatt's Garage building. BEC conducted a subsurface investigation in 2013. Lead was observed in soil samples at concentrations above residential and/or non-residential Soil Remediation Levels (SRLs). Soil exceeding the SRLs was excavated in 2013. The concentrations of lead remaining in soil do not exceed the soil regulatory levels prescribed in the Arizona Administrative Code in any concentration detected. Contaminants of concern at the site are limited to lead in soil.

The NFA Report is available online at: <http://azdeq.gov/notices>, and at the ADEQ Records Center, 1110 W. Washington St., Phoenix, (602) 771-4380, or (800) 234-5677, ext. (602) 771- 4380; please call for hours of operation and to schedule an appointment.

PARTIES WISHING TO SUBMIT WRITTEN COMMENTS regarding the NFA request for the Former Marlatt's Garage VRP site may do so through the following contacts:

Arizona Department of Environmental Quality,
Attention: Ms. Caitlin Burwell, Voluntary Remediation Program
burwell.caitlin@azdeq.gov
1110 W. Washington St.
Phoenix, AZ 85007 or;

Bender Environmental Consulting, Inc.
Attention: Mr. Gary A. Bender, R.G.
benderenv@cox.net
1929 E. Myrna Lane
Tempe, AZ 85284

Comments must be postmarked or received by ADEQ or Bender Environmental Consulting, Inc. by **[day of week] [date], 2020**.

Dated this [INSERT DAY] day of [INSERT MONTH], 2020

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write or understand English and/or to those with disabilities. Requests for language interpretation, ASL interpretation, CART captioning services or disability accommodations must be made at least 48 hours in advance by contacting Ian Bingham, Title VI Nondiscrimination Coordinator at 602-771-4322 or Bingham.Ian@azdeq.gov. Teleprinter services are available by calling 7-1-1 at least 48 hours in advance to make necessary arrangements.

ADEQ tomará las medidas razonables para proveer acceso a los servicios del departamento a personas con capacidad limitada para hablar, escribir o entender inglés y / o para personas con discapacidades. Las solicitudes de servicios de interpretación de idiomas, interpretación ASL, subtítulos de CART, o adaptaciones por discapacidad deben realizarse con al menos 48 horas de anticipación contactando a Ian Bingham, Coordinador de Anti-Discriminación del Título VI al 602-771-4322 o Bingham.Ian@azdeq.gov. Los servicios de teleimpresores están disponibles llamando al 7-1-1 con al menos 48 horas de anticipación para hacer los arreglos necesarios.