

Douglas A. Ducey  
Governor

ARIZONA DEPARTMENT  
OF  
ENVIRONMENTAL QUALITY



Misael Cabrera  
Director

CERTIFIED MAIL

Return Receipt Requested

USPS # 7001 0360 0003 1403 7362

September 21, 2022

Mr. Eric Young  
The Carioca Company  
2601 West Dunlap Ste 10  
Phoenix, Arizona 85021

**RE: PRELIMINARY APPROVAL OF A CORRECTIVE ACTION PLAN**

UST Owner/Operator ID #618  
LUST Case File #5764.01

Facility ID #0-005840

Maricopa County

The Carioca Company  
Diesel dispenser island sample  
locations P10, P12, P18, and P24;  
UST Basin; Center of 10K gallon  
Former Shell #42/Pilot Travel Center  
#1180  
41112 West Indian School Road  
Tonopah, Arizona 85354

Dear Mr. Young:

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 which was prepared by Environmental Technologies, Inc. on behalf of The Carioca Company. This Corrective Action Plan (CAP) was dated August 16, 2022 and was received by ADEQ on August 16, 2022. The CAP recommended Soil Vapor Extraction and In-Situ Chemical Oxidation as the most appropriate and cost-effective remedial options.

ADEQ has determined that Soil Vapor Extraction and In-Situ Chemical Oxidation 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 September 21, 2022 through October 21, 2022. If ADEQ receives written comments from the public during the notification period, ADEQ will determine if a public meeting will be held. The Carioca Company 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**

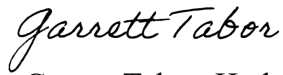
The Facility ID and Leaking Underground Storage Tank (LUST) case file numbers should be used on all correspondence and reports relating to this UST facility to ensure accuracy of file identification. The *Document Submittal Form* must be attached to any document submitted to ADEQ.

Information pertaining to the UST program can be obtained by accessing ADEQ's web page at [www.azdeq.gov](http://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](http://www.azleg.gov). The UST rule citations may be found at [www.azsos.gov](http://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](mailto:tabor.garrett@azdeq.gov).

**Please provide a copy of this letter to your consultant.**

Sincerely,



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

Sincerely,



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

Enclosures: *UST Program Appeals Guidance*

cc: Robert Narmour, Groundwater Permitting & Wells Unit  
rnarmour@azwater.gov  
Arizona Department of Water Resources  
1110 W. Washington St, Suite 300  
Phoenix, AZ 85007

cc: Darcy Kober, Director  
[Darcy.Kober@Maricopa.gov](mailto:Darcy.Kober@Maricopa.gov)  
Maricopa County Environmental Services  
501 N 44th St #200  
Phoenix, AZ 85008

cc: Gina Bunn, ADEQ Community Liaison  
bunn.gina@azdeq.gov  
ADEQ Community Liaison

### **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.