



Katie Hobbs  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Karen Peters  
Director

CERTIFIED MAIL  
Return Receipt Requested  
USPS #7020 0640 0000 7686 2071

April 17, 2023

Mr. Robert Moss  
Thriftway Marketing Corporation  
501 Airport Drive, Suite 100  
Farmington, New Mexico 87401

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

UST Operator ID #3476  
LUST Case File #2499.01-.05  
Facility ID # 0-005038  
Navajo County

Thriftway Marketing  
USTs and dispensers  
Thriftway Plateau #117  
421 West Deuce of Clubs  
Show Low, Arizona 85901

Dear Mr. Moss:

The Arizona Department of Environmental Quality (ADEQ) Waste Program's Underground Storage Tank (UST) Corrective Action Unit (CAU) has reviewed the documents titled *Thriftway 117 Corrective Action Plan* and *Clarifications for Corrective Action Plan* which were prepared by Animas Environmental Services (Animas) on behalf of Thriftway Marketing Corporation. This Corrective Action Plan (CAP) was dated February 8, 2022 and was received by ADEQ on February 8, 2022. ADEQ requested modifications to the proposed CAP on March 22, 2022. The modifications were received on August 4, 2022. ADEQ requested clarifications to the CAP on March 2, 2023. The clarifications were received on 3/17/2023.

To remediate shallow soil, Animas proposed excavation and off-site disposal. To remediate the on-site and off-site groundwater, Animas additionally proposes using enhanced fluid recovery (EFR) from existing monitoring and extraction wells and the installation of wells for the subsurface application of a chemical oxidant and activated carbon nutrient solution as the most appropriate and cost-effective remedial options.

ADEQ has determined that these methods 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

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***PROPOSED LEAKING UST (LUST) CASE CLEAN UP*** is attached.

The public comment period will be in effect from April 17, 2023 through May, 17, 2023. If ADEQ receives written comments from the public during the notification period, ADEQ will determine if a public meeting will be held. Thriftway Marketing Corporation 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- 4240 or at [Neidigh.David@azdeq.gov](mailto:Neidigh.David@azdeq.gov).

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

Sincerely,



David Neidigh, R.G.  
Corrective Action Unit  
UST-LUST Value Stream

Sincerely,



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

Enclosures: *UST Program Appeals Guidance*  
**PUBLIC NOTICE - *PROPOSED LEAKING UST (LUST) CASE CLEAN UP***

cc: Ian Smith, Water Quality Unit  
[ismith@azwater.gov](mailto:ismith@azwater.gov)  
(602) 771-8347  
Arizona Department of Water  
Resources 1110 W. Washington St,  
Suite 300 Phoenix, AZ 85007

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cc: Rrt Enterprises LLC  
Property Owner  
PO Box 27554  
Scottsdale, Arizona 85225-0142

cc: Mr. John Leech, Jr.,  
Mayor, Show Low  
180 North 9<sup>th</sup> Street  
Show Low, Arizona 85901

cc: Mr. Daryl Seymore  
Navajo County  
100 East Code Talkers Drive  
Holbrook, Arizona 86025

cc: Mannie Bowler  
Bowler.Mannie@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.