

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY VOLUNTARY REMEDIATION PROGRAM (VRP)

Instructions for: Making a Request for Conditional No Further Action (NFA) Determination

These instructions are designed to help understand the requirements of Arizona Revised Statutes (A.R.S.) § 49-181. Please review the statute in its entirety at <http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/49/00181.htm>.

When institutional and/or engineering controls have been used to achieve the remedial goals of the project, a volunteer may request a determination of conditional no further action (NFA) by submitting a report to the VRP. This report is known as the “NFA Report”.

- Send your project manager (PM) the NFA Report and draft Declaration of Environmental Use Restriction* (DEUR). The NFA Report must answer the following and include a draft public notice (template attached) and a scaled site map of the Conditional NFA boundary(ies) inclusive of the area(s) with complete characterization:
 1. A description of the specific contaminants for which a Conditional NFA determination is being sought.
 2. A description of the actions taken to achieve remediation levels or controls.
 3. A description of any soil, water, or soil and water treatment systems used as part of the remediation.
 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.
 5. If post-remediation monitoring is proposed, a description of the type of monitoring, monitoring locations, contaminants to be monitored, monitoring frequency and sampling procedures.
 6. A description of community involvement activities.
 7. A list of permits obtained for the remedial action or held by the applicant pertaining to the site.
- The VRP will review the NFA Report and DEUR and contact you if revisions are needed. If no revisions are needed, the PM will send you an email approving the public notice for publication.
- Once you know the date the public notice will be published, send your PM an email with the date so he/she will know when the 45-day comment period begins and have a record for the VRP file.
- After the 45 day public comment period is over, send the following to your PM:
 - Affidavit of Publication [sample attached]
 - Public Comment Notification Letter [sample attached]
 - Certification for No Further Action Determination form (must be original signature) [blank form attached]
 - Geographic Information System Boundaries [instructions attached]
 - DEUR fees (check made out to ADEQ)
- ADEQ will sign the DEUR then send it to you to be recorded at the appropriate county recorder’s office.
- At the time you record the DEUR, request a certified copy of the recorded DEUR. Send the certified copy of the DEUR to your PM. The original DEUR is kept by the volunteer/property owner. In accordance with A.R.S. § 49-181(C)(3), the VRP is unable to issue a Conditional NFA determination until proof has been submitted that the DEUR has been recorded.

Upon satisfactory completion of the above, the VRP will issue the NFA determination.

Please note the following:

- Be sure to discuss your VRP account balance with your PM. Be aware the VRP is unable to issue Conditional NFA determinations until VRP accounts balances are paid in full.

*DEURs with engineering controls require engineering control plans and financial assurance components. Please discuss these requirements with your PM.

NOTICE OF 45-DAY PUBLIC COMMENT PERIOD
[SITE NAME]
VOLUNTARY REMEDIATION PROGRAM SITE
REQUEST FOR CONDITIONAL NO FURTHER ACTION DETERMINATION

[volunteer name] has submitted a request for a Conditional No Further Action (CNFA) determination to the Arizona Department of Environmental Quality (ADEQ) Voluntary Remediation Program (VRP) for the [site name] VRP site. The CNFA requests closure for [soil] by using an [Institutional Engineering] Control Declaration of Environmental Use Restriction (DEUR) and for [groundwater, surface water]. The CNFA was submitted in accordance with Arizona Revised Statutes § 49-181.

The [site name] VRP site consists of [brief description] located in [city], Arizona. The [Institutional Engineering] Control will restrict the property to non-residential use. Contaminants of concern at the site are [list COCs for soil, list COCs for groundwater, list COCs for surface water].

The CNFA Report and the VRP file are available for review at the ADEQ Records Center, 1110 W. Washington St., Phoenix, (602) 771-4380, or (800) 234-5677, ext. 6027714380; please call for hours of operation and to schedule an appointment.

PARTIES WISHING TO SUBMIT WRITTEN COMMENTS regarding the CNFA request for the [site name] VRP site may do so to ADEQ, Attention: [VRP PM], Voluntary Remediation Program, 1110 W. Washington St., Phoenix, AZ 85007 or [email]@azdeq.gov; or [volunteer/consultant contact info] and reference this listing. **Comments must be postmarked or received by ADEQ or [volunteer/consultant] by [day of week] [date], [year].**

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 services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or idb@azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o idb@azdeq.gov.

Dated this [date] day of [month], [year].

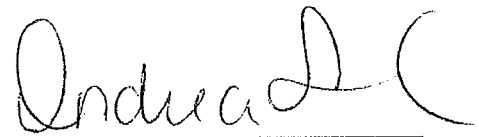
THE ARIZONA REPUBLIC

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS.

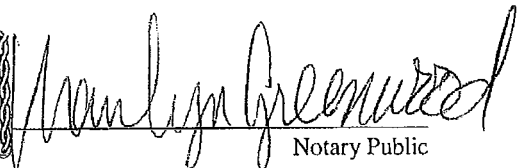
Ondrea Sheppard, being first duly sworn, upon oath deposes and says: That she is the marketing/sales lead of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic/Southeast Zone

March 17, 2006



Sworn to before me this
17th day of
March A.D.2006


Notary Public

PUBLIC NOTICE
SITE INVESTIGATION
FORMER GREAT WESTERN
SILICON MANUFACTURING
FACILITY
CHANDLER, ARIZONA
General Electric Advanced Materials (GE) has completed a site investigation at the former Great Western Silicon Manufacturing Facility located at 11515 East Riggs Road in Chandler, Arizona (the site). The objective of the investigation was to evaluate potential environmental impact to soil as a result of historic daily activities conducted at the site. A total of 88 surface and subsurface soil samples were collected from 44 locations around the site and analyzed for 67 volatile organic compounds, 68 semi-volatile organic compounds, 15 priority pollutant metals, 7 polychlorinated biphenyls, 21 organochlorine pesticides, and 10 organochlorine herbicides. Laboratory results show concentrations of all these chemicals to be below the Arizona Department of Environmental Quality (ADEQ) Residential Soil Remediation Levels (R-SRLs). Under the provisions of Arizona Revised Statutes (ARS) § 49-181, GE is requesting the ADEQ to make a determination of no further action for site-wide soils. A copy of the site files is available for review at the ADEQ. If you have any questions or comments regarding this request, or would like to review the site files, please contact the individuals listed below within 30 days from the date of this notice:
Mr. Thomas Di Domizio
Voluntary Remediation Program
Arizona Department of Environmental Quality
1110 West Washington Street,
Mail Code 4415B-1
Phoenix, AZ 85007
Telephone: 602-771-4229
or
Dr. Jasenka Zbozinek, Ph.D.
GeoTrans, Inc.
4801 E. Washington Street,
Suite 260
Phoenix, AZ 85034
602-842-3320
06165-March 17, 2006

[REDACTED] [REDACTED]

April 25, 2006

Mr. Thomas Di Domizio
Project Manager
Arizona Department of Environmental Quality
Voluntary Remediation Program
1110 West Washington Street, MC 4415B-1
Phoenix, AZ 85007

**Request for No Further Action Determination for Site-Wide Soils
Former Great Western Silicon Manufacturing Facility
Section 34, Township 2 South, Range 5 East
(11515 East Riggs Road, Chandler, AZ 85249)
Site Code: 500463-00**

Dear Mr. Di Domizio:

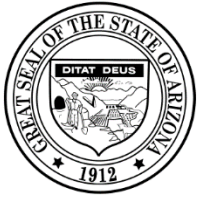
On behalf of General Electric Advanced Materials (GE), [REDACTED] is requesting ADEQ to issue a No Further Action determination for site-wide soils at the 36.08-acre former Great Western Silicon Manufacturing Facility located in the northwest quarter of Section 34, Township 2 South, Range 5 East (at 11515 East Riggs Road in Chandler).

Please note that GE has fulfilled the requirements of A.R.S. §49-181(A) by submitting a Summary Report, hand-delivering informational fliers to the surrounding businesses on March 15, 2006, and publishing the ADEQ-approved Public Notice in the Southeast Edition of the Arizona Republic on March 17, 2006 (see the enclosed Affidavit of Publication). The public comments period ended on April 15, 2006; GeoTrans did not receive any public comments. Enclosed is also a signed copy of the required Certification for No Further Action Determination letter.

Please give me a call at [REDACTED] if you have any questions or need additional information.

Sincerely,
[REDACTED]
[REDACTED]

Attachment: Affidavit of Publication
Certification for No Further Action Determination Letter
[REDACTED]



Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera
Director

Arizona Department of Environmental Quality Voluntary Remediation Program Certification for No Further Action Determination

Facility Name: _____

Facility Address: _____

VRP Site Code: _____

Pursuant to Arizona Administrative Code R18-7-209(A), the person conducting the remediation and requesting a Letter of Completion or an alternative closure document, such as a No Further Action Determination from the Arizona Department of Environmental Quality, shall submit the following certification statement:

“I certify, under penalty of law, that this document and all attachments are, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.”

Volunteer

Name (printed), Title

Signature, Date

Main Office

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

Southern Regional Office

400 W. Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

www.azdeq.gov

printed on recycled paper



Date: January 31, 2014
From: Lowell Carty, Waste Programs Division
Re: Instructions for Creating Geographic Information System (GIS) Boundaries

The Arizona Department of Environmental Quality (ADEQ) Waste Programs Division (WPD) has developed the following instructions for preparing and submitting an electronic file of Geographic Information System (GIS) boundaries for No Further Action (NFA) properties and for properties implementing a Declaration of Environmental Use Restriction (DEUR). The instructions are provided for preparation in both Google Earth and/or ArcGIS Explorer. If you have any questions, please contact Lowell Carty at Carty.Lowell@azdeq.gov or (602) 771-4413.

PREPARATION UTILIZING GOOGLE EARTH:

1. Launch Google Earth program.
2. Enter your site information in the search box (i.e.: physical address and zip code).
3. Using the navigation tools, zoom to the site.
4. Once the site is centered on screen, select "View" from the command ribbon at the top of the screen. Scroll down the "View" menu and select "Reset", then "Tilt and Reset Compass".
5. Select the "Add Polygon" icon.
6. Using the polygon points, draw the outline of the NFA or DEUR boundary on the screen, leaving the polygon text box open.
7. Once the polygon is drawn, name the polygon (using the full site address) in the pop-up text box. Under the "Description" tab enter the ADEQ site code. Do not close text box yet.
8. Select the tab labeled "Style,Color". Set the opacity of the "area" of polygon at 50% and set the "Filled+Outline" color as red. Click "OK" to close the pop-up window.
9. The named polygon now appears under the contents header "Places" on the left of screen.
10. Right-click on the named polygon in "My Places" and select "Add" then "Folder" to create a folder to store this polygon and any others you may create (name the folder appropriately for what you will be storing in it). Click and drag the polygon into your new folder
11. Right click the polygon on the map and select "Save Place As". Save the polygon you have created as a KMZ file and use the following nomenclature for naming the file: **[ADEQ Six Digit Site Code]-[Name of Boundary].KMZ** (the name of boundary used should reflect the specific area of a site for which an NFA or DEUR is sought. Check with your ADEQ project manager for more information). You will need to determine where on your drive you want to save the file. ADEQ recommends creating a folder so additional polygons can be saved to it and kept in the same place on your drive.
12. E-mail your KMZ file(s) to your project manager at ADEQ along with your NFA request and/or DEUR submittal.

PREPARATION UTILIZING ARCGIS EXPLORER:

1. Launch ArcGIS Explorer program.
2. On the top toolbar, select “Basemap” and nine options will appear. Select the option “Imagery with Labels”.
3. Use “Find” feature (binoculars icon) and enter the city and state or site address with zip code. If you search by address, multiple options/variations on the address may appear, double click the correct one.
4. Select the “2D/3D” button on far right of Home Tab and select “3D” from drop-down list. Wait for the screen settings to change. Wait for the view settings to change. Once 3D settings have taken effect, you may need to zoom back in to the site again.
5. Zoom to the site using either the mouse wheel or the navigation tool located in lower left corner of map.
6. Use “Area” selection above Create Tab to draw the outline of the NFA or DEUR boundary. Single click to open the tool. Double click to close/complete the area.
7. After you have double clicked to close the area a “note” feature will pop up. Name the note (using the full site address). Enter the ADEQ site code.. Click “ok” to close the note feature. The boundary is now listed under the “Contents” header on the left.
8. Add a folder by clicking on the “folder” icon to create a folder to store the area/site and any others you may create (name the folder appropriately for what you will be storing in it). Click and drag the polygon into your new folder. Additional boundaries (i.e.: multiple NFAs) can be added to this folder for ease of storage and submittal to ADEQ.
9. Move cursor over the shaded area, right click on the area and select “Share”. Three options will appear (Map Content, Layer Package, and KML). Select “KML”. Select “File”. This allows you to save a KMZ file. Use the following nomenclature for naming the file: **[ADEQ Six Digit Site Code]-[Name of Boundary].KMZ** (the name of boundary used should reflect the specific area of a site for which an NFA or DEUR is sought. Check with your ADEQ project manager for more information.) You will need to determine where on your drive you want to save the file. ADEQ recommends creating a folder so additional polygons can be saved to it and kept in the same place on your drive.
10. E-mail your KMZ file(s) to your project manager at ADEQ along with your NFA request and/or DEUR submittal.