



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Stephen A. Owens
Director

CERTIFIED MAIL
Return Receipt Requested
AN - 7006 3450 0002 8963 9408
August 25, 2008

RECEIVED

SEP 11 2008

Ms. Nancy Petersen
City of Tucson Environmental Services
100 North Stone Ave-Second Floor
Tucson, Arizona 85701

ENVIRONMENTAL SERVICES
100 N STONE AVE 2ND FLOOR

RE: APPROVAL OF SITE CHARACTERIZATION

LUST File No. 3208.01
Facility ID # 0-005176
Pima County

Former gasoline UST system(s)
City of Tucson Police/Fire Station
260 South Stone Avenue
Tucson, Arizona 85701

Dear Ms. Petersen:

The Arizona Department of Environmental Quality (ADEQ) has reviewed the site characterization report (SCR) dated July 31, 2008. Based on the information in the report and the case file, ADEQ has decided that the site has been adequately characterized. It has been demonstrated that soil and groundwater have been impacted. The contaminant levels at this site are above the corrective action standards.

UST Remedial Action Requirements

Due to the large number of groundwater contamination cases throughout Arizona, ADEQ is prioritizing UST releases for which the Department will request a corrective action plan (CAP). Those UST releases involving imminent or serious threats to public health, safety and environment will receive the highest priority and will be required to be addressed through a written CAP within a specified time frame. Based upon available site characterization

Northern Regional Office
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

documentation, ADEQ is **not requiring a CAP** to be submitted at this time for the UST addressed by this letter.

However, the referenced LUST file will not be eligible for case closure consideration by the ADEQ until contaminant concentrations resulting from the UST release have been reduced to levels that are at or below the applicable ADEQ cleanup standards. The UST owner, operator, or State Assurance Fund cleanup volunteer (in the event volunteer elects to do work) must perform corrective actions which are reasonable, necessary, cost effective, technically feasible, and conducted pursuant to Arizona Revised Statutes (A.R.S.) § 49-1005 et seq.

Periodic Site Status Report

Arizona Administrative Code (A.A.C.) R18-12-263 requires you to submit a Periodic Site Status Report. Content requirements for the site status report are provided in A.A.C. R18-12-263(G). **You must submit the Periodic Site Status Report within six (6) months of receiving this letter.** In addition, you must conduct quarterly groundwater sampling and monitoring, and submit subsequent groundwater reports/periodic reports biannually. Please include the attached Periodic Site Status Report form when you submit this report to ADEQ.

Providing Notice to the ADEQ Prior to Conducting Remediation

When proceeding with corrective action in accordance with A.A.C. R18-12-263, the City of Tucson must take actions necessary to comply with A.A.C. R18-7-209. The attached Remediation Data Entry form may be utilized to meet the requirements identified in A.A.C. R18-7-209.

Notice of Right to Appeal

Please review the enclosed *Tanks Programs Division Appeals Guidance* if you wish to appeal the contents of this letter. To file a formal appeal of this letter, you must file a notice of appeal or a request for a hearing with ADEQ within thirty (30) days of receiving this letter.

State Assurance Fund

If this site is eligible for State Assurance Fund (SAF) coverage, you should note that **the SAF will not cover any expenses after June 30, 2010.** If you are a volunteer, pre-approval is required when the total costs of corrective actions exceed \$100,000. You should also be aware that pre-approval applications will no longer be accepted after June 30, 2009. If you have any questions related to the SAF, you may contact Tara Rosie, SAF Section Manager, at (602) 771-4725, or toll-free at (800) 234-5677, extension 771-4725.

The approval of the characterization at this site does not constitute ADEQ's interim determination that all of the activities described within this report are reasonable, necessary, cost-effective, and technically feasible, or are reimbursable from the SAF.

Additional Information

City of Tucson Environmental Services
August 25, 2008
Page 3

The Facility ID and LUST File numbers should be included on all correspondence and reports relating to this UST facility to ensure accuracy of file identification. The enclosed *Document Submittal* form must be attached to any document submitted to ADEQ.

Information pertaining to the SAF or other UST program information 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 Tank Programs' file room staff about reviewing or copying case file information at (602) 771-4345. If you have any questions regarding this correspondence, please contact Adam Mohamed at (602) 771- 4305 or toll-free at (800) 234-5677 extension 771-4305.

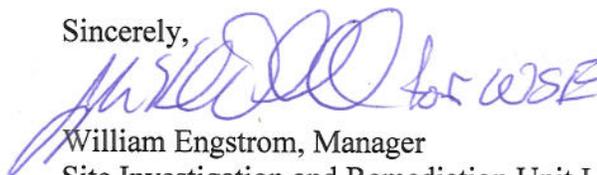
Please provide a copy of this letter to your consultant.

Sincerely,



Adam Mohamed, case Manager
Site Investigation and Remediation Unit I
Corrective Action Section

Sincerely,



William Engstrom, Manager
Site Investigation and Remediation Unit I
Corrective Action Section

Enclosures: *Tank Programs Division Appeals Guidance*
Remedial Data Entry form
Periodic Site Status Report form
Document Submittal form

REMEDIATION DATA ENTRY FORM

(revised June 3, 1999)

[Note: Upon completion of site characterization, this form is recommended for your use to comply with the Soil Remediation Standards Rule effective December 4, 1997 according to Arizona Administrative Code R18-7-209.]

Completed by: _____ Unit: _____ Date: _____
 Facility ID # 0-00 _____ LUST File # _____

UPPER CASE and SHADING identify mandatory fields, if applicable Location Notes (on back)

LOCATION NAME:		<input type="checkbox"/> GIS Cover Exists
STREET ADDRESS:		ZIP:
CITY:	COUNTY:	STATE:
LATITUDE LONGITUDE METHOD	(_ - _ - _) _ _ _	PARCEL NO:
	Qu Tn Rn Sc 1 2 3	
Alias (also known as)	Alias Type	Program
.....
.....

People Notes (on back)

NAME:		Company:	
Street Address:		ZIP:	City: State:
Phone: ()	Fax: ()	RELATIONSHIP: PROPERTY OWNER	
NAME:		Company:	
Street Address:		ZIP:	City: State:
Phone: ()	Fax: ()	RELATIONSHIP:	
NAME:		Company:	
Street Address:		ZIP:	City: State:
Phone: ()	Fax: ()	RELATIONSHIP:	

Remediation Notes (on back)

START DATE:	TARGET REMEDIATION LEVEL:
LAND USE: (Residential or Non-Residential)	CONTAMINANTS OF CONCERN:.....
CURRENT:.....
POST-REMEDIAION:.....
Program Site Manager:	PROGRAM:
REMEDIAION TECHNOLOGY:	

Closure Notes (on back)

REMEDIAION STANDARD ACHIEVED:	COMPLETION DATE:
VEMUR Filing Date:	Case Closure Date:
	VEMUR Cancellation Date:

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
 Tank Programs Division
 Underground Storage Tank (UST) Program

ADEQ use only

DOCUMENT SUBMITTAL FORM

[use as COVER SHEET when submitting the documents listed below]

UST FACILITY INFORMATION:

_____ Facility Name		_____ Facility ID
_____ Street Address		_____ LUST Number(s)
_____ City	_____ Zip Code	_____ County

PERSON RESPONSIBLE FOR SUBMITTING DOCUMENT:

Name

Street Address

City

Zip Code

Telephone (daytime)

PERSON CATEGORY

ADEQ ID #

<input type="checkbox"/> UST owner	_____
<input type="checkbox"/> UST operator	_____
<input type="checkbox"/> UST volunteer	_____
<input type="checkbox"/> Property owner	_____

LUST, RELEASE OR CORRECTIVE ACTION DOCUMENT: (check all that apply; * indicates document requires signed certification statement)

- | | | |
|---|---|---|
| <input type="checkbox"/> * 14 day report (suspected release) | <input type="checkbox"/> * Free Product Report | <input type="checkbox"/> * Addendum (check related document type) |
| <input type="checkbox"/> * 90 day report (suspected release) | <input type="checkbox"/> * Tier 2 risk evaluation | <input type="checkbox"/> Other: (please specify) |
| <input type="checkbox"/> * 14 day report (confirmed release) | <input type="checkbox"/> * Tier 3 risk evaluation | |
| <input type="checkbox"/> * 90 day report (confirmed release) | <input type="checkbox"/> * Corrective action plan (CAP) | |
| <input type="checkbox"/> * LUST site classification form | <input type="checkbox"/> * Periodic site status report
(includes groundwater monitoring reports) | |
| <input type="checkbox"/> * Site characterization report (SCR) | <input type="checkbox"/> * LUST case closure request
w/corrective action completion report | |

UST DOCUMENT:

SAF DOCUMENT: Application #: _____

INFORMAL APPEAL: LUST
 SAF
 UST

CERTIFICATION STATEMENT OF UST OWNER, OPERATOR OR VOLUNTEER: (for only documents designated above by *)

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

Signature of UST owner, operator or volunteer

Date

Name of UST owner, operator or volunteer (printed)

Title

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
UNDERGROUND STORAGE TANK PROGRAM

Periodic Site Status Report

DATE FORM COMPLETED: _____ (mm/dd/yy)

Site classification form attached? yes / no
Required attachments submitted? yes / no / NA

ADEQ use only
Date Received: _____

FACILITY ID: 0-00 LUST NUMBER: _____ OTHER LUST(S) AT FACILITY: _____

1. Has the ADEQ approved the site characterization report for the subject release? YES NO
If you checked "yes" include date of ADEQ approval and proceed to #2 below. DATE: _____
If you checked "no" stop here, corrective action status information is not required at this time.

2. Has a corrective action plan (CAP) been requested? YES NO
If you checked "no" proceed to #3 below.
If you checked "yes" are you are proceeding with remedial corrective actions prior to CAP approval? YES NO
If you are proceeding, include date ADEQ was notified in accordance with A.A.C. R18-12-263.02(E) DATE: _____

3. Type(s) of remedial corrective action technology currently being performed. For each system in use, enter the date the system became operational.

Soil	Date	Groundwater	Date
Over-excavation		Natural attenuation (monitored)	
Vapor extraction		Air sparging	
Thermal desorption		Extract and treat	
Bioremediation		Free product recovery	
Land farming (on site)		Bioremediation	
Other (describe below)		Other (describe below)	

If "Other" please describe (include dates the systems became operational - attach additional pages as necessary):

4. For each of the remedial corrective action technologies checked in #3 above, attach any monitoring and laboratory results collected since submittal of the last status report form.

5. For the remedial corrective action technologies checked in #3 above, attach a site plan showing their locations and any monitoring and sample collection locations, if not previously submitted.

6. Check the time frame that most accurately estimates when the response activities, including remediation and verification monitoring, will demonstrate that the concentration of each chemical of concern is projected to be at or below the applicable corrective action standard.

0 - 2 years 2 - 5 years 5 - 10 years greater than 10 years

7. Attach the *LUST Site Classification Form* as required and described under R18-12-261.01.

Please note that the above information is required **once every 12 months** from the date the ADEQ approves the site characterization report for the subject release **unless** otherwise stated within an ADEQ approved corrective action plan. If you have any questions regarding this form, contact the UST Help Desk at (602) 771-4303, or toll free within Arizona at 800-234-5677 extension 4303.

**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
UNDERGROUND STORAGE TANK (UST) PROGRAM**

**Informal Appeal Form
Notice of Disagreement**

In accordance with Arizona Revised Statute (A.R.S.) 49-1091, an eligible person may informally appeal an ADEQ interim decision or determination and file a written notice of disagreement within 30 days of receiving the Department's interim decision or determination. Please use this form to file a notice of disagreement with ADEQ. Also, please indicate below if a meeting is requested.

Is a meeting requested? : Yes No

If requesting a meeting, do you plan on having an attorney attend the meeting?
 Yes No

If a meeting is requested, UST Section staff will contact you to schedule a meeting. The ADEQ requests that you attach a list of the individuals who will be attending the meeting with you.

(ADEQ USE ONLY)

Date Received: _____

UST Ref. #: _____

Date of Meeting: _____

Time of Meeting: _____

UST FACILITY INFORMATION:

UST Facility Name

Street Address

City

Zip Code

County

Facility ID: 0-00 _____

LUST File: _____

SAF Application #: _____
(if applicable)

APPELLANT INFORMATION:

Name of person making the appeal

Signature of eligible person

Date

Street Address

City

State

Zip Code

County

Telephone Number

In accordance with A.R.S. 49-1091, the following are the only individuals that can file a notice of disagreement. Please indicate the appropriate affiliation of the person making the appeal.

UST Owner

UST Operator

UST SAF Volunteer
[as defined in A.R.S. 49-1052(I)]

TYPE OF APPEAL (check one or more of the applicable categories which are the subject of disagreement):

UST owner/operator determination (legal) site characterization decision (technical) technical SAF decision (technical)

confirmed release determination (technical) corrective action plan decision (technical) SAF cost issues relating to preapproval, direct pay, or reimbursement application (financial)

LUST case closure (technical) work plan decision (technical)

Based on ADEQ Interim Determination Letter: Dated: _____ From: _____
Name of ADEQ staff

IMPORTANT DOCUMENTATION:

In accordance with A.R.S. 49-1091, you are **required** to provide a description of the specific portions of the interim decision or determination with which there is disagreement. Also include all applicable supporting documentation (rationale, justification, etc.) that has not previously been submitted to ADEQ. This Notice of Disagreement and all related documentation should be sent to the appropriate address listed below according to the correct category.

State Assurance Fund (SAF) Informal Appeals:

ADEQ State Assurance Fund Section
Cost Review Unit MD-6415 B-2
1110 West Washington Street
Phoenix, AZ 85007

Non-SAF Informal Appeals:

ADEQ UST Corrective Action Section
Technical Support Unit 4415A-3
1110 West Washington Street
Phoenix, AZ 85007

[revised 11/01/02]



UNDERGROUND STORAGE TANK CORRECTIVE ACTION SECTION INFORMAL AND FORMAL APPEALS GUIDANCE DOCUMENT

(Revised December 2005)

NOTICE OF RIGHT TO INFORMAL APPEAL

Pursuant to Arizona Revised Statute (A.R.S.) § 49-1091, an eligible person who undertakes corrective action pursuant to A.R.S. § 49-1052 subsection I, or an owner or operator, has 30 days to request an informal appeal after receipt of an Arizona Department of Environmental Quality (ADEQ) notice identifying an interim decision or determination. Interim decisions are those decisions identified in A.R.S. § 49-1091 subsections A and G, which includes ADEQ approvals, disapprovals or notices of deficiency of site characterization reports, corrective action plans, work plans and case closure requests; and determination or confirmation of releases.

The informal appeal must be in writing, identify the portions of the interim decision or determination with which you disagree, and explain the basis of your disagreement. You may file the informal appeal using the form on the reverse side of this document titled "Informal Appeal Form - Notice of Disagreement." As part of the informal appeal, you may request a meeting with ADEQ to attempt to resolve the disagreement. If a meeting is requested, ADEQ will contact you within 30 days to schedule the meeting.

If you file an informal appeal, ADEQ will review its interim decision or determination and issue a written final decision or determination within 45 days; or if a meeting has been requested, within 15 days after the meeting is held. By operation of law, if ADEQ does not issue a written final decision or determination within 45 days after receiving your informal appeal, or within 15 days after the meeting described above, (whichever date is later), then the interim decision or determination becomes the final decision or determination without further notice to you (see Notice of Right to Formal Appeal below).

Please be advised that if you do not file an informal appeal, the interim decision or determination automatically becomes ADEQ's final decision or determination without further notice to you. In this case, by operation of law, the effective date for the final decision or determination is 45 days after the date that you received the interim decision or determination (see Notice of Right to Formal Appeal below).

NOTICE OF RIGHT TO FORMAL APPEAL

Pursuant to A.R.S. §§ 49-1091(E) and 41-1092 et seq., once a decision or determination has become a final agency decision or determination (in writing or by operation of law), that decision or determination is an Appealable Agency Action that will determine certain legal rights, duties, and privileges within the meaning of A.R.S. § 41-1092(3). A final decision or determination is administratively appealable before the Office of Administrative Hearings (OAH).

To obtain an administrative hearing on a final decision or determination, you must file a Notice of Appeal with ADEQ within 30 days of the effective date of the final decision or determination. The effective date is the date you receive the written final decision or determination; or, in certain cases, the statutory prescribed date that the interim decision or determination otherwise becomes a final decision or determination by operation of law (e.g., if you did not file an informal appeal; or if ADEQ fails to issue a timely final decision or determination in response to your informal appeal). The Notice of Appeal, if any, shall contain the following information:

1. Your name and mailing address. You shall notify ADEQ of any change in your address within five (5) days after the change.
2. Identification of your status as an UST owner, UST operator, or person voluntarily taking corrective action, pursuant to A.R.S. §§ 49-1016(C)(4) or 49-1052(I).
3. Identification of the ADEQ final decision or determination that is the subject of appeal.
4. A concise statement of the reasons for your appeal.

You shall file the Notice of Appeal with ADEQ. It is requested that the Notice of Appeal be filed at the following address:

Judith Fought, Hearing Administrator
ADEQ Office of Administrative Counsel
1110 West Washington Street
Phoenix, Arizona 85007

The Notice of Appeal shall be filed by mailing the Notice via certified mail (return receipt requested), or by personally delivering the Notice to the Hearing Administrator. Please send a copy of the Notice of Appeal via U.S. Mail to the Office of the Attorney General, Environmental Enforcement Section Administrative Appeals Desk, located at 1275 West Washington Street, Phoenix, Arizona 85007.

An administrative hearing will typically be held within 60 days after the Notice of Appeal is filed. The OAH will conduct the hearing. If you wish to try to settle the matter before the administrative hearing is held, you may file a request for an informal settlement conference with the Hearing Administrator no later than 20 days before the OAH hearing date. ADEQ will hold the settlement conference within 15 days after receiving the request. Filing an informal settlement request does not toll the OAH hearing date.