



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
7006 0810 0003 4579 1979
September 3, 2008

Pioneer Paint and Varnish Company
C/o William Pearson, Esq.
Bryan Cave, LLP
1 Renaissance Square
Two North Central Ave., Suite 2200
Phoenix, AZ 85004-4406

RE: LUST CLOSURE APPROVAL

LUST File No. 0912.01
Facility ID No. 0-003930
Pima County

2-3K hazardous substance USTs #1/#2
Pioneer Paint and Varnish
438 W. Congress Street
Tucson, Arizona 85701

Dear Mr. Pearson:

The Arizona Department of Environmental Quality (ADEQ) Tank Programs Division has completed a review of the referenced leaking underground storage tank (LUST) case file. The referenced release was reported on October 2, 1989. Based upon this review, the documentation within the LUST file indicates that the UST corrective action (i.e. investigation and remediation) requirements have been satisfied. Additional corrective actions are not required at this time. Therefore, the above-referenced LUST case file has been closed under Arizona Administrative Code (A.A.C.) R18-12-263.04 for the following reasons:

INVESTIGATION REQUIREMENTS

The referenced UST release has been adequately investigated in accordance with A.A.C. R18-12-262, based on the following:

For Soil:

- The vertical extent of laboratory detectable soil contamination was defined to approximately 60 feet below ground surface (bgs). The lateral extent of soil contamination was defined around the release location. The soil contamination was characterized as of July 25, 2007, based on the laboratory analytical results.

For Groundwater:

- The extent of groundwater contamination was defined adequately.

REMEDATION REQUIREMENTS

The referenced UST release has been adequately remediated in accordance with A.A.C. R18-12-263, based on the following:

Northern Regional Office
1801 West 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

For Soil:

- The contaminant concentrations in soil meet the applicable pre-determined soil remediation levels (SRL) as prescribed by A.A.C. R18-7-205.

For Groundwater:

- Laboratory results of groundwater samples collected from Monitor Well 252A indicated concentrations of benzene, toluene, ethylbenzene and xylenes exceed the aquifer water quality standards as prescribed by A.A.C. R18-11-406, but the site specific conditions meet the criteria of A.A.C. R18-12-263.04.
- The free product in groundwater was removed to the maximum extent practicable.

Although ADEQ is not requiring further corrective actions at this time, please note that in the future, if contamination is found at or emanating from this facility, ADEQ may require additional investigation and, if necessary, remediation.

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 an informal appeal of this letter, you must file a notice of disagreement with ADEQ within thirty (30) days of receiving this letter.

STATE ASSURANCE FUND (SAF) (if applicable)

If this site is eligible for State Assurance Fund (SAF) coverage, you should note that, pursuant to Arizona Revised Statute (A.R.S.) § 49-1052(M), you have one year from the date of receiving this case closure letter to submit final applications to the State Assurance Fund (SAF), with respect to the LUST case file being closed. For any LUST case files that remain open, please be aware that the SAF will not cover any eligible corrective action expenses incurred or applications made after June 30, 2010.

ADDITIONAL INFORMATION

Please place the Facility ID and LUST file numbers on all correspondence and reports relating to this UST facility to ensure accuracy of file identification. Please use the attached Document Submittal Form for all applicable document submittals to the UST Program. Please send all correspondence and reports about LUST cases to:

Arizona Department of Environmental Quality
Tank Programs Division
Corrective Action Section
1110 West Washington Street # 4415A-3
Phoenix, Arizona 85007

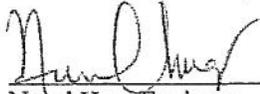
Additional information related to the State Assurance Fund, UST jurisdiction, and other UST related topics can be obtained by accessing ADEQ's web page at www.azdeq.gov/envIRON/ust/index.html or by visiting the UST Program offices at 1110 West Washington Street, Phoenix, Arizona. Information pertaining to Arizona Revised Statutes, Title 49 can be obtained by accessing the Arizona Legislative Computer Services web page at www.azleg.state.az.us. UST rule citations may be found at www.azsos.gov/public_services/Title_18/18-12.htm.

William Pearson, Esq.
September 3, 2008
Page 3 of 3

If you have any questions concerning this correspondence, please contact Nurul Huq at (602) 771-4318 or 1-800-234-5677 extension 771-4318.

Please provide a copy of this letter to your consultant.

Sincerely,



Nurul Huq, Engineer
UST Coordination Unit
UST & Division Support Section

Sincerely,



Al Johnson, Manager
UST Coordination Unit
UST & Division Support Section

NH/aej

Enclosures: *Document Submittal Form*
Tank Programs Division Appeal Guidance
Informal Appeal Form

cc: Arizona Department of Water Resources
Attention: Dave Christiani
Water Quality Unit
3550 N. Central Avenue
Phoenix, AZ 85012

M:Forms/aej