ROOSEVELT IRRIGATION DISTRICT

DIRECTORS
W. BRUCE HEIDEN, PRESIDENT
DWIGHT B. LEISTER
CHARLES K. YOUNGKER

103 WEST BASELINE ROAD
BUCKEYE, ARIZONA 85326
TELEPHONE (623) 386-2046
FAX (623) 386-4360

STANLEY H. ASHBY
SUPERINTENDENT

RECEIVED
DEC 2008
Remedial Projects Unit

December 23, 2008

RECEIVED
DEC 26 2008
ADEQ

Jennifer Edwards Thies
Project Manager, Remedial Projects Unit
Waste Programs Division
1110 W. Washington Street, MC4415B-1
Phoenix, AZ 85007

RE: *Roosevelt Irrigation District Comments Regarding the "Draft Remedial Investigation Report, West Van Buren Area WQARF Registry Site"*

Dear Ms. Thies,

This letter provides comments from the Roosevelt Irrigation District (RID) regarding the Draft Remedial Investigation Report (RI Report) for the West Van Buren Area (WVBA) WQARF Registry Site (Site). RID appreciates the opportunity to respond to the Arizona Department of Environmental Quality (ADEQ) and convey the concerns we have regarding the apparent widespread contamination in groundwater in the WVBA and the impact this groundwater contamination (and groundwater contamination migrating from other adjacent Superfund sites) has on RID's well field and on current and future water operations, including the provision of water to the growing population in the District for agricultural and potable uses.

While it is evident that a substantial amount of investigation has been conducted since the Site was placed on the WQARF priority list, it is also apparent that very little, if anything, has been done to restore the regional water quality of the aquifer, to mitigate impacts to RID wells, or to protect the unrestricted use of groundwater withdrawn from the RID well field. We understand that the scope of the RI is to establish the nature and extent of soil and groundwater contamination and to identify current and potential impacts to human health and the environment. However, RID believes that the RI Report fails to adequately consider the impact to RID from the volatile organic compound (VOC) contamination of our wells or address the right of RID to pump and deliver uncontaminated groundwater for current and foreseeable future uses.

As stated in the RI Report (pg. 6-9), *"Groundwater pumpage represents the major outflow from the groundwater system within the WVBA. The primary production wells within the WVBA are those operated by RID…"* Additionally (pg. 6-10), *"Some of these wells extract VOC-contaminated groundwater which is discharged into the canal."* and (pg. 6-11), "*Thus, water within the RID canal acts as a potential route of surface water* [and contaminant] *migration downstream of the WVBA."* RID takes strong exception to the implication of these assertions that the release of hazardous substances to groundwater by numerous responsible parties, the widespread impact on

RID wells, the downstream impact on RID use is acceptable, and that RID may be some how responsible for these problems. RID has long anticipated ADEQ action to address releases of these hazardous substances from the WVBA and other federal Superfund sites that have impacted, or have the potential to impact, as many as 20 RID wells. These 20 wells constitute a vital water source for thousands of Arizona citizens, growing communities, and critical farmland. Given that the WVBA and adjacent federal Superfund sites constitute the largest region of groundwater contamination in the state and they have impacted and impaired RID's wells on a massive scale, RID water interests must be addressed, protected and restored through appropriate remedial actions.

The WQARF and federal Superfund programs were developed on the central premise of restoring the drinking water quality of the state's groundwater aquifers to protect against the loss or impairment of any future uses of waters of the state. RID is entitled to such protection and is prepared to take all appropriate actions to protect its legal interests and the valuable natural resource relied upon by RID's members. WQARF authority in statute and rule[1] directs ADEQ to identify remedial actions that will clean up hazardous substances to allow the maximum beneficial use of the waters of the state and to assure that the current and future interests of well owners and the water providers (and their customers) are considered in planning and implementing remedial actions, including the quantity and quality of water, reliability of water supplies, and any operational implications. This legal assurance includes prevention of impairment to current and reasonably foreseeable end uses which, in RID's case, includes the current irrigation use as well as future drinking water use. Arizona has unequivocally defined all groundwater in the state to be considered and protected as drinking water (A.R.S. § 49-224.B). Accordingly, as noted in our response to question 6 on the Land and Water Use Study Questionnaire (Appendix K of the RI Report), RID strongly objects to any limitations or restrictions on the current or future use of its water.

App K

Additionally, the RI Report inappropriately includes the following in Section 2.2.2.1: "The RID was formed in 1923, after securing an agreement with SRP to pump and deliver water in 1923. SRP may take the position that this agreement will expire in 2019. RID takes the position that the agreement does not expire. If SRP prevails in its position, then RID may no longer be able to pump wells east for [sic] the Agua Fria River, cutting RID's pumping by 85 percent." This language is irrelevant to the purposes of the RI Report, and the last sentence in particular is speculative. RID therefore requests that this portion of Section 2.2.2.1 be deleted in its entirety. A simple reference to RID being formed in 1923 is sufficient.

RID is an injured party as a result of this area-wide groundwater contamination. RID requires that immediate action be taken to mitigate the impacts of this groundwater contamination on the aquifer, RID's wells and RID's water operations. We request a

[1] See ARS §§ 49-282.06.A.2, 49-282.06(B)(4)(b) and AAC R18-16-407.G

meeting with ADEQ at your earliest convenience to discuss plans to restore the drinking water quality of the aquifer, to protect RID against the loss or impairment of its water uses, to ensure unrestricted future use of its water interests, and to pursue all potential responsible parties to mitigate any and all injuries, liabilities and damages sustained by RID as a result of the harm caused and/or threatened by the area-wide groundwater contamination identified in the WVBA RI Report.

Sincerely,

ROOSEVELT IRRIGATION DISTRICT

Stanley H. Ashby

Stanley H. Ashby

cc: Sheryl Sweeney, Ryley Carlock & Applewhite
David P. Kimball, III, Gallagher & Kennedy
Dennis Shirley, Montgomery & Associates