



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Henry R. Darwin
Acting Director

January 4, 2011
VRP 11:69

Nancy Peterson
City of Tucson - Environmental Services
P.O. Box 27210
Tucson, AZ 85726-7210

Re: Rio Nuevo Full Scale Stabilization Project Request for No Further Action (2-Acre Congress Landfill) and Request for Withdrawal of 17-Acre Site
Site Code: 504075-00

Dear Ms. Peterson:

The Arizona Department of Environmental Quality (ADEQ), Voluntary Remediation Program (VRP) has reviewed the following documents regarding the Full Scale Stabilization Project: 1) *Rio Nuevo Full Scale Stabilization – 2 Acre Congress Landfill Aerobic Bioreactor, Request for No Further Action*, dated May 16, 2008; 2) *Response to Comments: Review of Rio Nuevo 2-Acre Congress Landfill Aerobic Bioreactor Full Scale Stabilization Project Closure Report*, dated October 29, 2009; and 3) *Rio Nuevo Full Scale Stabilization Project 17-Acre Site Annual Report and Final Report*, dated March 1, 2010. VRP has the following comments:

2-Acre Congress Landfill Aerobic Bioreactor, Request for No Further Action

In an ADEQ letter to the City of Tucson Environmental Services (COT-ES) dated December 19, 2008, the VRP stated that, *based upon the results of chemical and geotechnical data presented to ADEQ in COT-ES's Annual Reports and in the December 2007 Closure Report, the project goals for achieving measureable degradation of waste mass through the use of an aerobic bioreactor have been successfully achieved as outlined in the November 2003 Stabilization Work Plan.* In this December 19, 2008 letter, the VRP asked for additional clarification of issues regarding future landfill management and controls at the site. The COT-ES adequately addressed these issues in a *Response to Comments* letter to VRP dated October 29, 2009.

The ADEQ VRP cannot grant an NFA Determination for the site since no specific contaminants were associated with the NFA request. However, since the COT-ES has adequately met the objectives of the 2003 work plan, the COT-ES is not required to address any future monitoring and maintenance requirements of the 2-Acre site through the VRP. The COT-ES is required to monitor and maintain the Congress and Nearmont Landfills, which includes the 2-Acre site, in

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accordance with Arizona Revised Statutes (A.R.S.) §49-701 to §49-881 and 40 Code of Federal Regulations (CFR) part 257 which addresses development of closed solid waste landfills.

Rio Nuevo Full Scale Stabilization Project 17-Acre Site, Request to Withdraw Site from the VRP

In a letter to ADEQ dated March 1, 2010, the COT-ES requested to withdraw the 17-Acre site from the VRP. The COT-ES terminated operation of the project due to lack of funding and the infrastructure was dismantled in April 2009. In this letter, the COT-ES stated that they *will continue to monitor and maintain the remaining portions of the Congress and Nearmont Landfills, in accordance with 40 CFR part 257.1, through 257.3, and Arizona Revised Statute 49-701, through 49-881, for closed solid waste landfills where development activities have occurred but the conditions listed in A.R.S. 49-701(k)(i-iv) are met, and COT Landfill Ordinance No. 10037.* The VRP approves the COT-ES request to terminate this project from the VRP.

The VRP will close out the Rio Nuevo Full Scale Stabilization Project site. The VRP file will be kept in the ADEQ Central Records area as a public document. Any remaining funds from the deposit you submitted to the VRP will be returned to you by ADEQ Fiscal Services. If in the future you desire to re-apply to the VRP, you may do so by completing a new VRP application and submitting another \$2,000 application fee.

If you have any questions, please do not hesitate to contact me at (602) 771-4229.

Sincerely,



Thomas Di Domizio, Manager
Voluntary Remediation Program

cc: Molly Collins, City of Tucson, Environmental Services