

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

August 15, 2007

VRP 08:039



Phelps Dodge Sierrita
Environment, Land & Water

CERTIFIED MAIL

7001 0360 0003 1400 6634

Mr. John D. Brack
Phelps Dodge Sierrita, Inc.
6200 W. Duval Mine Road
Green Valley, Arizona 85641

Re: Voluntary Remediation Program Application
Phelps Dodge Sierrita, Inc.
Green Valley, Arizona 85641
Site Code – 100073-03

Dear Mr. Brack:

The Arizona Department of Environmental Quality (ADEQ), Voluntary Remediation Program (VRP) has reviewed your June 16, 2007 application request for the above-referenced site. Based on VRP's review of the application and additional information received afterward, Phelps Dodge Sierrita, Inc. is hereby accepted into the VRP. The formal date of acceptance into VRP is August 15, 2007. Joey Pace is the Project/Technical Manager for this site. She will be reviewing the documents that relate to your project and can be reached at (602) 771-4574.

Please note that suspension of ADEQ enforcement action is limited under A.R.S. § 49-177.D. to the work approved in a work plan, to the extent determined by the director to be appropriate. Further, under A.R.S. § 49-184. B, an approved application will not abridge or alter the department's authority to recover penalties or to take any action authorized by law for any violation of Title 49, except for remedial actions or corrective actions that are the subject of the VRP application.

For your planning purposes and as a point of clarification, a No Further Action (NFA) determination (A.R.S. § 49-181) will be issued for sites that meet all applicable remediation levels (soil remediation levels, aquifer water quality standards or groundwater protection levels). Also, if the site is restricted to non-residential use or an engineering control is used to meet the remediation levels, a Declaration of Environmental Use Restriction (DEUR) must be approved by ADEQ and recorded at the applicable County Recorder's Office before the NFA can be granted. Pursuant to A.A.C. R18-7-603 through R18-7-606, the DEUR fee rule describes the financial requirements of property owners for a DEUR to be executed. If remediation levels at the site have been met through the use of an

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

Mr. Brack
August 15, 2007

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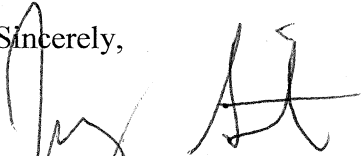
institutional or engineering control and post-remediation care obligations such as monitoring or maintenance of engineering controls is necessary, a conditional NFA will be granted. Upon closure, any unresolved environmental issues will be referred to the appropriate ADEQ program for further investigation and action.

In accordance with the VRP Fee Rule (ref. A.A.C. R18-7-503), an initial invoice for the \$4,000.00 deposit is enclosed with this letter. Please reference Site code # 100073-03 and Invoice # 57944, which have been assigned to this site, on all payments to ensure proper accounting. Once the \$4,000.00 deposit is received by the Office of Fiscal Services, any document(s) submitted to the VRP will be scheduled for review. Please contact Ms. Pace to schedule a VRP orientation meeting.

Please ensure that you and/or your representatives review and comply with the requirements of A.R.S. § 49-171 through § 49-188 and the VRP Fee Rule, (A.A.C. R18-7-501 through R18-7-507). Failure to comply with the appropriate requirements may result in termination from the VRP and/or denial of an NFA or conditional NFA determination. Additional information regarding the requirements of ARS § 49-171 through § 49-188, the VRP Fee Rule, and the VRP in general can be found on the ADEQ website, www.azdeq.gov.

Thank you for your participation in the VRP. If you have any questions or comments, please feel free to contact me at (602) 771-2220.

Sincerely,



Jerry Smit, Manager
Voluntary Remedial Projects Unit

cc: Reading file
Project file

JS/gez



**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
VOLUNTARY REMEDIATION PROGRAM
INVOICE**



Pursuant to A.R.S. § 49-113, interest will be charged if full payment is not received by the specified due date. If you dispute the amount listed, please contact ADEQ as soon as possible. To reduce interest costs on an unpaid invoice, you may remit an amount that you believe is not in dispute. However, if nonpayment is due to wilful neglect, you may suffer an additional five percent penalty of up to twenty-five percent of the amount due for each month or fraction of a month the amount is past due.

If you have questions about payments, call Accounts Receivable at (602) 771-4751 or toll-free within Arizona at (800) 234-5677, extension 771-4751

If you have any questions about this invoice, call Jerry Smit at (602) 771-2220 or toll-free within Arizona at (800) 234-5677, extension 771-2220

Account Number: 3228	Invoice Number: 57944
To: Chad D. Fretz Phelps Dodge Sierrita, Inc. PO Box 527 Green Valley, AZ 85614 	
	Due Date:
	Amount Due \$ 4,000.00
	Amount Paid \$

↑ Keep the top portion for your records. ↑ ADEQ Federal Tax #866004791

↓ This entire bottom portion must be returned to ADEQ. ↓

ADEQ Federal Tax #866004791

Voluntary Remediation Program

Invoice # 57944

Chad D. Fretz Phelps Dodge Sierrita, Inc. PO Box 527 Green Valley, AZ 85614	Phelps Dodge Sierrita, Inc.	Account Number: 3228	VRP
		Due Date:	

LTF-Id #:
QC#:

Pursuant to Arizona Administrative Code Title 18, Chapter 7, Article 503.A: "At the time that an applicant submits a work plan under A.R.S. § 49-175 or a report under A.R.S. § 49-181, the applicant shall submit to the Department an initial deposit of \$4,000.00.

AMOUNT DUE. \$ 4,000.00



A \$12 fee will be charged for any check not honored by the bank.

Do not write below this line

Make your check or money order payable to **State of Arizona**
THIS FORM MUST ACCOMPANY YOUR REMITTANCE.

Mail to: Arizona Department of Environmental Quality
PO Box 18228
Phoenix, AZ 85005

Check Number:	
Received:	
Postmarked:	100073-03
Entered:	JK3 08/15/2007 VR300Go