



Douglas A. Ducey  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera  
Director

## Via email

October 7, 2022  
FPU 23-088

Mr. Jeffrey A. Dhont  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street Mail Stop SFD-6-2  
San Francisco, CA 94105

Re: *Feasibility Study, Iron King Mine / Humboldt Smelter Superfund Site, September 2022.*

Dear Mr. Dhont:

The Arizona Department of Environmental Quality (ADEQ) Federal Projects Unit (FPU) has reviewed the above-referenced document. ADEQ does not have substantial comments on the Feasibility Study in which supersedes prior versions of the document, and is amenable to releasing the Feasibility Study as final for public review.

There are notable critical-to-quality concerns, which ADEQ has identified and recommend EPA address these throughout the next Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) process steps, primarily in the Remedial Design (RD). Please note these critical-to-quality concerns are preliminary and not all inclusive nor listed in any particular order.

1. ADEQ requests a more detailed evaluation of the operation and maintenance (O&M) costs for the site annually for the remediation alternative chosen for the Proposed Plan. This would include line items for inspections, anticipated repairs, and future capital expenses to replace fencing and other engineering structures based on the service life estimates of these facilities. ADEQ requests this information as the State will be responsible for the continued O&M costs following the designated O&M period under EPA (30 years). Additionally, should remedial alternative 3B be selected, ADEQ requests tracking the volume of contaminated soil associated with each source and potential responsible party. ADEQ is under the impression the Iron King Mine sourced soil contamination has a potential responsible party liable for cost recovery, however, the Humboldt Smelter sourced soil contamination does not. Tracking source of soil contamination would provide a clearer understanding of costs which the State would need to annually conduct the O&M.

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2. ADEQ requests a substantial dust suppression plan be implemented in the RD for the remedial efforts and the O&M following completion of the remedial efforts. ADEQ requests involving the ADEQ Air Quality Division in developing the plan.
3. ADEQ requests a noise compliance and community relations protocol be agreed to by the community prior to the implementation of the remedial efforts.
4. ADEQ is concerned regarding protections to the Agua Fria River during remedial efforts and O&M. ADEQ requests a monitoring plan for the Agua Fria River, Galena and Chaparral Gulches in the RD to determine if remedial efforts are causing impairment to the Agua Fria River during and post remedy implementation. Additionally, ADEQ requests following the substantive requirements of the Clean Water Act Section 404. ADEQ requests working with the ADEQ Surface Water Unit to evaluate logistics regarding protections to the Agua Fria River.
5. Should alternatives 2, 3A, or 3B be selected, ADEQ requests review of the proposed remedial design of the repository(ies) slopes and cap materials prior to the review of the draft Remedial Design document. This should allow for ADEQ's feedback prior to drafted reports review, expediting the review process and allowing ADEQ to aid during the design process. This request is intended to help address comment #1, above, regarding managing Arizona's long-term costs.
6. The dam is to be removed under all but alternative 1, no action, should the dam be removed, ADEQ notes removal must comply with Arizona Department of Water Resources requirements.
7. ADEQ suggests if alternative 2, 3A, 3B, or 4 is selected as the remedy to conduct remedial efforts on the former Humboldt Smelter side (east side) first. ADEQ notes the 3A and 3B tailing swale repository is smaller therefore contingencies should be in place should the repository be unable to contain all the contaminated soil suggested to be located in this repository. Additionally, ADEQ's primary initiative is to remove contaminated soil from the Chaparral Gulch. ADEQ further suggests, should either alternative 3A or 3B be chosen as the remedy, to plan implementation of portions of the remedial actions at separate times.

If you have any questions or need additional information, please contact me at 602-771-0167 or [Kane-DeVries.Katelyn@azdeq.gov](mailto:Kane-DeVries.Katelyn@azdeq.gov).

Sincerely,



Katelyn Kane-DeVries, RG  
Project Manager  
Federal Projects Unit

C: Nick Talocco, Matrix Design Group