

September 22, 2025

Anthony Bell  
Circle K Stores Inc.  
1100 Situs Court, Suite 100  
Raleigh, North Carolina 27606

**RE: INTERIM DECISION - SITE CHARACTERIZATION REPORT APPROVAL**

LUST Case File #5953.01  
UST Owner Circle K Stores Inc.  
UST Operator Circle K Stores Inc.  
Facility ID # 0-009194

Circle K #2705326  
1910 North State Route 89  
Chino Valley, Arizona 86323

Dear Anthony Bell,

The Arizona Department of Environmental Quality (ADEQ) received your *Site Characterization Report* dated August 26, 2025. According to the Document Submittal Form your submittal is made under Arizona Administrative Code (A.A.C.) R18-12-262(D). Based on information submitted within the report and the case file, ADEQ has determined that the report is approved in accordance with A.A.C. R18-12-262(E).

**Additional Information**

While the submitted report satisfies all of the administrative requirements for approval, ADEQ still does not concur with the source and cause of the release incident as stated by Circle K Stores Inc. Specifically, this report estimates a total contaminant mass defined within the subsurface soil of between 50,000 and 90,000 gallons of gasoline. The report further restates the position of Circle K Stores Inc. that this incident was the result of a failure of a submersible turbine pump (STP) component with the fuel entering the environment from the STP sump between the approximate dates of December 15, 2023 and January 3, 2024.

Based upon a review of the subsurface investigation and corrective action data and all operational records on file for this facility, the ADEQ disputes the claim by Circle K Stores Inc. that the entire estimated fuel volume was released as described during this three-week period. From the review of multiple data types and an assessment of lines of evidence, it is ADEQ's position that for this site, the data supports the following:

- The full extent of environmental impacts emanating from this facility have been defined and that the hydrocarbon contamination affects are limited exclusively to subsurface soil with no current threat to groundwater or potable wells.
- The lower end of the estimated range of fuel volume lost is more commensurate with the defined contaminant mass affecting the site.
- A release of fuel from the STP into the STP sump did occur and is a reasonable incident contributing some, but not all of the contamination defined at this site.
- From ADEQ's review, the lack of discovery or evidence of the existence of phase-separated hydrocarbons immediately beneath or within the UST basin and the distribution of contaminants vertically within the subsurface further supports that the contamination at this site likely is the result of previously unknown releases from this system that may have occurred over a long period of time prior to the release event described in this report.

## Requirements

Further corrective actions are required to address the contamination associated with this LUST case per Arizona Revised Statutes (A.R.S.) § 49-1005 and A.A.C. R18-12-263(B).

Additionally, you are required to submit *Periodic Site Status Reports* on a quarterly basis that includes the results of at least one sampling event during the monitoring period until release closure is approved by the Department in accordance with A.A.C. R18-12-263(G). The first *Periodic Site Status Report* is due by February 15, 2026.

The Periodic Site Status Report Form is available on the ADEQ UST Program website at [https://static.azdeq.gov/forms/ust\\_periodic\\_site\\_status\\_report.pdf](https://static.azdeq.gov/forms/ust_periodic_site_status_report.pdf). Additionally, per A.A.C. R18-12-264, Periodic Site Status Reports must include a Document Submittal Form which is also available online at [https://static.azdeq.gov/ust/ust\\_doc\\_submittal.pdf](https://static.azdeq.gov/ust/ust_doc_submittal.pdf).

## How to Submit

Please submit all documents electronically via email to [USTCAS@azdeq.gov](mailto:USTCAS@azdeq.gov).

## Consequences of Failure to Comply

Failure to comply with program requirements may subject you to an enforcement action by ADEQ such as a Notice of Violation, an administrative order, or civil action.

If you disagree with ADEQ's decision, you have the right to file an informal appeal. An informal appeal must be received by ADEQ within thirty (30) days of receipt of this decision. Details on the appeals process are included in Attachment A.

Please contact Chris Marks with any questions regarding this matter at (602) 771- 0561 or [ustcas@azdeq.gov](mailto:ustcas@azdeq.gov).

Sincerely,

*Leigh Padgitt*

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Leigh Padgitt, Manager  
Corrective Action Unit  
UST Section

Enclosed: Attachment A: Notice of Appeal Rights of Interim Decision

Sent by email to: [abell@circlek.com](mailto:abell@circlek.com)

Copy sent by email to: Shanda Wagner at [shanda@encore-consulting.net](mailto:shanda@encore-consulting.net)

## Attachment A

### Notice of Appeal Rights of Interim Decision

This letter is considered an interim decision and you have the right to an informal appeal. If there is a disagreement with this interim decision, an informal appeal may be filed with ADEQ. To exercise the right, you must file a request for an agency review of the decision by filing a Notice of Disagreement pursuant to A.R.S. §49-1091. The review process may include an informal meeting with ADEQ to discuss the decision.

### To File Notice of Disagreement

To file an informal appeal of this decision, you must file a Notice of Disagreement (Notice) with ADEQ **within 30 days** of receiving this letter. Pursuant to A.R.S. § 49-1091(C) the notice must include a written description of the specific portions of the decision with which you disagree and may include a request for a meeting with ADEQ to resolve the disagreement.

This Notice of Disagreement must be emailed to [ustappeals@azdeq.gov](mailto:ustappeals@azdeq.gov), sent via mail or delivered to ADEQ:

ATTENTION: UST Section  
Arizona Department of Environmental Quality  
1110 West Washington Street  
Phoenix, AZ 85007

ADEQ shall issue a final written decision within 45 days after receiving the Notice, or within 15 days of the informal meeting, whichever is later.

If ADEQ fails to issue a final written decision within the times specified, the written interim decision becomes the final written decision which is an appealable agency action pursuant to A.R.S. §41-1092.03.

### If No Notice of Disagreement is Filed

If you do not file a Notice of Disagreement, ADEQ shall issue a final written decision within 45 days after issuance of the interim decision. If ADEQ fails to issue a final written decision within the time specified, this written interim decision becomes the final written decision which is an appealable agency action pursuant to A.R.S. §41-1092.03; and, you have the right to obtain a hearing by filing a written request for a hearing with ADEQ within 30 days of receipt of this determination. The request for a hearing shall include your name, your address, the specific action being appealed, and a concise statement of the reasons for the request for a hearing.

The request for a hearing must be filed with:

ATTENTION: Hearing Administrator  
Arizona Department of Environmental Quality  
Office of Administrative Counsel  
1110 West Washington Street  
Phoenix, Arizona 85007

Please also send a copy to [ustappeals@azdeq.gov](mailto:ustappeals@azdeq.gov). Pursuant to A.R.S. § 41-1092.06, as part of the appeal process, you have the option of an informal settlement conference. We strongly recommend you take advantage of this by filing a request for an informal settlement conference with the ADEQ Hearing Administrator no later than 20 days before the hearing date. ADEQ will hold the conference within 15 days of receiving the request, so we can meet to address your concerns with the agency's determination.