

70274

NOV 19 1999

CERTIFIED MAIL -
RETURN RECEIPT REQUESTED

William T. Ports, P.E.
Division of Environmental Remediation
New York State Department of
Environmental Conservation
50 Wolf Road
Albany, New York 12233-7010

Re: Hudson River PCBs Site - State ARARs and TBCs

Dear Mr. Ports:

As you know, the U.S. Environmental Protection Agency (EPA) is conducting a Feasibility Study for the Reassessment of the Hudson River PCBs Site (Site) which, along with EPA's Proposed Plan, will be released in December 2000. To that end, EPA is hereby requesting, pursuant to Section 121(d)(2)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9621(d)(2)(ii), as amended (CERCLA) and §§ 300.400(g)(5) and 300.430(d)(3) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), codified at 40 CFR Part 300, that the New York State Department of Environmental Conservation (NYSDEC) identify to EPA all applicable or relevant and appropriate requirements under state environmental or facility siting laws (ARARs), as well as advisories, criteria or guidance that may be useful in developing CERCLA remedies (the "to be considered" category, known as TBCs) for the Site.

Pursuant to § 300.515(h)(2) of the NCP, EPA typically requests that state support agencies identify ARARs after the initial screening of alternatives but prior to the initiation of the comparative analysis conducted during the detailed analysis phase of the Feasibility Study. For the Hudson River PCBs Reassessment, EPA is requesting that NYSDEC identify the state ARARs and TBCs during the Agency's screening of technologies and alternatives in order to facilitate the screening process.

Pursuant to § 300.400(g)(4) of the NCP, "[o]nly those state standards that are promulgated, are identified by the state in a timely manner, and are more stringent than federal requirements may be applicable or relevant and appropriate. For purposes of identification and notification of

600070

ER\SHARE\AHES\ARARSNY.WPD

SYMBOL -->	ORC	ERRD-SP/CT						
SURNAME -->	Fischer	Adress						
DATE ----->	DF 11/19	11/19/99						

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Alison Hess
US EPA - Region 2
290 Broadway, 19th Floor
New York, N.Y. 10007-1866



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- ☐ Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:
William T. Ports, P.E.
Division of Environmental Remediation
New York State Department of
Environmental Conservation
50 Wolf Road
Albany, New York 12233-7010

4a. Article Number
2 277 083 302

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

Date of Delivery
NOV 24 1999

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-99-B-0223 Domestic Return Receipt

600071

promulgated state standards, the term *promulgated* means that the standards are of general applicability and are legally enforceable." Pursuant to § 300.400(g)(5) of the NCP, NYSDEC is required to "include a citation to the statute or regulation from which [each ARAR]...is derived."

Please send me, in writing, the list of New York State ARARs and TBCs within 30 working days of receipt of this request. Please list the ARARs and TBCs separately and identify whether they are chemical-specific, action-specific, or location specific. A copy of your June 20, 1995 letter identifying potential ARARs and TBCs for this site is enclosed for your reference.

Please note that, pursuant to § 300.515(h)(2) of the NCP, EPA will continue to consult NYSDEC throughout the Feasibility Study to ensure that identified ARARs and TBCs are updated as appropriate.

Thank you for your attention to this matter. If you have any questions, please contact me at (212) 637-3959.

Sincerely yours,

Alison A. Hess, C.P.G.
Project Manager
Hudson River PCBs Site

Enclosure

bcc: Doug Fischer, ORC
Al DiBernardo, TAMS
Bruce Fidler, TAMS