

**Shelia Mcfalls**

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**From:** Lloyd, Diedre <Lloyd.Diedre@epa.gov>  
**Sent:** Friday, October 04, 2019 9:15 AM  
**To:** HENNESSEY, BRIAN  
**Cc:** Richards, Jon M.; Joseph Burch; Cathcahe (dhec.sc.gov); Fulmer, Susan; Shelia Mcfalls  
**Subject:** [EXTERNAL] DOE Responses to EPA Comments on the Focused CM/FS Letter for the D Area

Good Morning Brian,

EPA has reviewed DOE's responses to EPA's 7/25/19 comments on the Focused CM/FS Letter for D-Area and have one last requested correction.

DOE's response to EPA Comment #1 omits a key phrase in the language in the NCP regarding compliance with ARARs in a removal action. DOE's response states that: "The [NCP] requires compliance with ARARs during removal actions to the extent practicable."

Please correct as indicated below:

DOE needs to correct the CM/FS to correctly state that: "The NCP requires compliance with ARARs during removal actions to the extent practicable considering the exigencies of the situation." 40 CFR 300.415(j). There are multiple places in the document that need this correction. (p. 6, 2nd full para.; p. 8, 1st para.; p. 9, last para.; p. 11, 2nd full para.)

To only say to the "extent practicable" ignores that the NCP contemplated limitations on ARARs compliance during removals to be triggered by the 'urgency' and scope of the situation (40 CFR 300.415(j)(1)(2)). NTCRA's don't typically satisfy the 'urgency' factor.

Upon correction of the above language in all portions of the document - EPA can approve the above mentioned document. Thanks and please let me know if you have any questions or concerns. Thanks, D

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