



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, S.W.
ATLANTA, GEORGIA 30303**

September 21, 2005

4WD-ERRB

Fazi Sherkat, Manager
Superfund Branch
Kentucky Department for Environmental Protection
Division of Waste Management
14 Reilly Road
Frankfort, KY 40601-1190

**Subject: Request for Identification of State ARARs
MJ Daly Site
Ludlow, Kenton County, Kentucky**

Dear Mr. Sherkat:

The Superfund Removal program of the U.S. Environmental Protection Agency (EPA) Region 4 has begun a removal action at the MJ Daly Site located in Ludlow, Kenton County, Kentucky. To perform this action, EPA will attempt to comply to the extent practicable with all Applicable or Relevant and Appropriate Requirements (ARARs) of State environmental and facility siting laws. This letter is a request to the Commonwealth of Kentucky for notification to the EPA On-Scene Coordinator (OSC) of any State statutes or regulations that the State believes are potential ARARs for the removal site. This letter contains information on proposed actions to assist you in identifying ARARs. I have been selected as the OSC for this site.

EPA requests that a State official notify EPA of any potential State ARARs. The type of ARARs which will be considered fall into the following three categories: chemical-, location-, and action-specific requirements. Chemical-specific requirements are health-, technology-, or risk-based numeric values that establish the acceptable amount or concentration of a chemical that may be found in, or discharged to, the ambient environment. Location-specific requirements are restrictions placed on the concentration of hazardous substances or the conduct of activities solely because they occur in special locations. For example, the requirement that hazardous waste storage facilities located within the 100-year flood plain must be designed, constructed, operated, and maintained to avoid washout is considered a location-specific requirement. Action-specific requirements are technology- or activity-based requirements or limitations on actions taken with respect to hazardous waste.

EPA's proposed actions include the following: removal and disposal of tank and drum wastes, recovery of solvent-contaminated water migrating through the subsurface; demolition and removal of the warehouse building and tanks, further assessment of soil and groundwater contamination at the Site (and potentially including offsite areas) and excavation of contaminated soils exceeding removal action levels. In order to adequately consider and comply with any ARARs specified by the KYDEP, EPA would appreciate a timely response (within 7 days if possible) to this request so that the requirements may be considered while scoping the removal action. Exact references or citations to the statutes or regulations, or copies of pertinent provisions of State requirements, will greatly facilitate our ability to evaluate these requirements as ARARs for the site.

EPA will examine these requirements and determine whether they are applicable or relevant and appropriate to the Site. Pursuant to 40 CFR 300.415(j), fund-financed removal actions shall, to the extent practicable considering the exigencies of the situation, attain ARARs under federal environmental or state environmental or facility siting laws. It is important to clarify, however, that some requirements identified by the State may be determined not to be ARARs, may be determined to be impracticable to meet, or may qualify for a waiver. Please call me at (502) 582-5161, if additional information on the Site is needed for the purpose of completing the ARARs review.

Thank you for your assistance on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Art Smith', is positioned above the typed name.

Art Smith, On-Scene Coordinator
Emergency Response and Removal Branch