

## Pease, Amanda

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**From:** vanderZander, Iris <iris.vanderzander@doh.hawaii.gov>  
**Sent:** Wednesday, June 5, 2019 5:36 PM  
**To:** Pease, Amanda  
**Subject:** RE: Some Process Follow-up for Factory St  
**Attachments:** State Request for Removal letter 1.docx

Hi Amanda,

Attached is the form you requested as a draft. If you agree with what is on the form I can have it signed. Regarding ARARs, I checked with a co-worker of mine what they usually use on federal project- we have a technical guidance manual (TGM for the Implementation of the Hawaii State Contingency Plan) that is an appropriate requirement (guidance) , but not promulgated. Similar, we have environmental action levels (EAL) that are not promulgated and guidance. Based on that the EAL for lead is 200 mg/kg for residential land use and 800 mg/kg for industrial land use, but I am happy to go with EPA action levels. Important is that we get the very high concentrations in shallow soil out.

Iris

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**From:** Pease, Amanda <Pease.Amanda@epa.gov>  
**Sent:** Tuesday, June 4, 2019 9:59 AM  
**To:** vanderZander, Iris <iris.vanderzander@doh.hawaii.gov>  
**Subject:** Some Process Follow-up for Factory St

Hi Iris,

A couple of things I wanted to follow up with you on related to preparing the Action Memo for Factory Street (and thus getting funding and the OK from the Region):

### State Request Letter:

I mentioned last week that there is a simple form for you all to fill out officially requesting EPA assistance. I've attached it here – let me know if you have any questions.

### Check on ARARs:

Another item that I have to address in the Action Memo is whether there are any state ARARs (defined below) that would be more stringent than federal requirements.

Not to overwhelm you with “reg speak”, but per 40 CFR §300.415(j) -

“Fund-financed removal actions under CERCLA section 104 and removal actions pursuant to CERCLA section 106 shall, to the extent practicable considering the exigencies of the situation, attain applicable or relevant and appropriate requirements (ARARs) under federal environmental or state environmental or facility siting laws.”

Also, “applicable requirements” are further defined at 40 CFR §300.5 as meaning

“those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under federal environmental or state environmental or facility siting laws that specifically address a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance found at a CERCLA site.”

Note that this definition further clarifies that “(o)nly those state standards that are identified by a state in a timely manner and that are more stringent than federal requirements may be applicable.”

So the request is to let me know whether HDOH is aware of any state requirements that would be applicable or relevant and appropriate, and are more stringent than those we would otherwise follow federally (CERCLA, RCRA, OSHA, USDOT, etc.). Another way to ask this is would be – what state criteria or standards would apply to HDOH if it were to conduct this removal action itself? I would appreciate it if you would check with your colleagues and/or management (as appropriate) and let me know. A completely acceptable response is that EPA should proceed with only federal requirements in mind.

Thanks so much for your follow up on these items, and don't hesitate to reach out with thoughts or questions.

Best,

Amanda Pease  
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