



REPLY TO
ATTENTION OF
Kathy Greene
(CESPK-PM-M)

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA, 95814-2922

Christine Parent
Hazardous Substance Scientist
Office of Military Facilities
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

March 3, 2006

Subject: State ARARs at the Benicia Arsenal FUDS Project

Dear Ms. Parent:

After review by our office of counsel, we have determined that we are unable to use the list of nominated Applicable or Relevant and Appropriate Requirements (ARARs) that was proposed by your office for the feasibility study (FS) now being prepared on the Benicia Arsenal FUDS Project. In order to facilitate the timely completion of the FS, we request that you please provide supplemental information relating to the list of ARARs by April 21, 2006.

According to Section 121 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), ARARs must meet certain specific requirements. In particular, these criteria include being promulgated; being either legally applicable (meeting all jurisdictional criteria) to the exact situation arising at the project site, or being both relevant and appropriate to the project; representing the substantive requirements of the ARAR (not including permits or other procedural requirements); and providing chemical specific, location specific, or action specific requirements.

In order to enable us to ensure that CERCLA requirements relating to ARARs are met and to be sure that each ARAR is used appropriately, please identify the specific requirement implicated in each ARAR. For example, name the state MCL for a chemical of concern or a state requirement for a hazardous treatment system. Please provide the regulatory citation for each such requirement, identify the jurisdictional prerequisites for each requirement, and provide the citation for those prerequisites. Also, please provide the promulgation history for each nominated State ARAR.

As these candidate State ARARs are requirements of your program we feel that you are best suited to providing this information. Thank you for your time and consideration.

Ms. Christine Parent,
March 3, 2006
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Should you have any questions please contact me at (916) 557-6671 or email at
Katherine.a.greene@usace.army.mil.

Sincerely,

Katherine Greene
Project Manager
U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Sacramento, CA 95814-2922