UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND - REGION I
5 POST OFFICE SQUARE, SUITE 1100 - HBR
BOSTON, MA 02109-3912

June 24, 2013

John M. Regan, P.G.
Hazardous Waste Remediation Bureau
Waste Management Division
New Hampshire Department of Environmental Services
29 Hazen Drive
Concord, NH 03302

Re: New Hampshire Dioxane Site (Atkinson, NH)

Dear Mr. Regan:

This is a request for New Hampshire regulations to be considered by the EPA as applicable or relevant and appropriate with respect to the anticipated Superfund removal action to take place at the above-referenced Site. Actions contemplated are outlined in the Action Memorandum which was previously forwarded to you. At this time, it is anticipated that the removal action will be performed as an EPA fund-lead action. ARARs will be directly incorporated into EPA activities. ARARs will be incorporated into the Administrative Order in the event that the responsible parties conduct the removal action.

Please divide potential State ARARs into three sections addressing the following 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. Action-specific requirements are technology or activity-based requirements or limitations on actions taken with respect to hazardous waste.

Please note the Superfund removal program is required to comply with ARARs to the extent practicable, considering the exigencies of the situation. That is, some requirements identified by the State may be determined not to be ARARs, impracticable to meet, or qualify for a waiver. A response within 21 days will assure that requirements you identify will be considered prior to initiating this action. Exact references or citation of the statutes and regulations, or copies of pertinent provisions, will greatly facilitate consideration of the information you forward. Please call me at (617) 918-1268 with any questions.

Sincerely,

Michael J. Nalipinski
Federal On-Scene Coordinator
U.S. Environmental Protection Agency

Cc: John McKeown, EPA
Site File