From: Fajardo, Juan
To: Papasavvas, Melissa
Cc: Flanagan, Sarah
Subject: Rolling Knolls Landfill Superfund Site
Date: Thursday, June 7, 2018 11:39:38 AM

Melissa -

I'm writing to follow-up on the ARAR discussion we have been having, including during our recent conference call of May 24, 2018.

As you know, ARARs are applicable or relevant and appropriate requirements that must be promulgated, enforceable and generally applicable. ARARs must be specific, such as by requiring that a certain cleanup level be met. In the Region's estimation, the language from the Wilderness Act and Great Swamp Wilderness Act cited by DOI is not specific enough to be ARARs. However, EPA can recognize a specific requirement or provision in these organic statute as a potential ARAR, if you identify any such specific requirements.

In your February 6, 2018 letter, as well as in Fish & Wildlife's comments to the draft Feasibility Study which were attached to your letter, DOI indicates that certain language in the Wilderness Act and Great Swamp Wilderness Act are ARARs. You state, for instance, that those laws were enacted to preserve the "wilderness character" of the Refuge for the "use and enjoyment of the American people in a way that will leave those areas *unimpaired* to future use and enjoyment as a Wilderness." The language cited by DOI is general in nature, not the kind of specific citation to a specific remedial requirement that can be identified as an ARAR – it does not include the necessary level of detail about what actions should be taken. Further, the language cited by DOI does not appear to be enforceable. For example, can someone bring a suit in federal district court to compel the removal of all waste from the Fish & Wildlife property under the cited language? In addition, we are not aware that the language regarding preservation of the wilderness character is consistently applied to bring about the result that your letter suggests.

Consequently, we disagree with DOI that the cited language requires all waste be removed from the roughly 30-acres of land managed by Fish & Wildlife where landfilling waste is present.

Please feel free to contact about this or any other matter concerning the Site.

Sincerely,

Juan M. Fajardo
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