



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Karin Harker, Federal Projects Unit
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

June 7, 2021

RE: Applicable or Relevant and Appropriate Requirements
Iron King Mine / Humboldt Smelter (IKHS) Superfund Site

Dear Karin:

Thank you for ADEQ's recent comments we received May 12, 2021 on EPA's draft Feasibility Study Report (FS Report) of February 25, 2021. In keeping with our partnership with ADEQ, I am writing with regard to continuing our coordination on the state Applicable or Relevant and Appropriate Requirements (ARARs) that may ultimately be selected for the IKHS Site.

As you know, remedies selected under CERCLA must comply with certain requirements in other federal, state or tribal environmental and facility siting laws in accordance with CERCLA Section 121(d). Section 515(d) of the National Contingency Plan (NCP) provides for State Involvement in the remedy selection process. It states that:

A key component of the EPA/state partnership shall be the communication of potential federal and state ARARs and, as appropriate, other pertinent advisories, criteria, or guidance to be considered (TBCs). (1) In accordance with §§300.400(g) and 300.430, the lead and support agencies shall identify their respective potential ARARs and communicate them to each other in a timely manner, i.e., no later than the early stages of the comparative analysis described in §300.430(e)(9), such that sufficient time is available for the lead agency to consider and incorporate all potential ARARs without inordinate delays and duplication of effort. The lead and support agencies may also identify TBCs and communicate them in a timely manner.

In Appendix A of the draft FS Report, EPA identified potential state and federal ARARs that EPA is considering in the IKHS remedy selection process. (These are potential ARARs; the actual ARARs with which the remedy will comply will be selected in the record of decision). ADEQ's comments on the report did not identify other state potential ARARs or include specific comments on those listed in the draft report. However, at this juncture we want to make sure that ADEQ does not have further state ARARs to communicate to EPA. If pertinent we invite and encourage you to provide these at this time so that we can further discuss them with you and consider them in the FS process forward.

While we can coordinate with you on ARARs at any time, we plan to revisit the topic of state ARARs again with you at the time of the proposed plan and after public comment but prior to the signing of the record of decision.

If you have questions or wish to confer on the above, please call me at (415) 972-3020 or by email at dhont.jeff@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey A. Dhont". The signature is written in a cursive style with a large, sweeping initial 'J'.

Jeffrey A. Dhont
Remedial Project Manager
Superfund Division

cc: John Peterson, Project Manager, ADEQ
David Kim, Assistant Regional Council, EPA