

DEC 22 1994

Richard G. Leland, Esq.
Rosenman & Colin
575 Madison Avenue
New York, NY 10022-2585

Re: Comments on Draft RI - Tutu Superfund Site

Dear Mr. Leland:

EPA has reviewed your letter dated November 15, 1994. In general, we understand the main purpose of this letter was to suggest to EPA that this Draft RI "should not be accepted by EPA as a basis for naming some PRP sites as sources of contaminants and eliminating others." Specifically, you presented information regarding the Curriculum Center, the Texaco Tutu Service Center, the Ramsay Motors Site, the Esso Tutu Service Station and the Western Auto Site. Your submission will be included in the official Administrative Record for this Site.

Be assured that EPA has reviewed the information you submitted as well as the contents of the Draft RI and all other information which relates to possible releases of hazardous substances from the facilities mentioned in your letter as well as other facilities in the area. EPA does not view the Draft RI as providing sufficient information to eliminate any of these facilities or any other previously designated potentially responsible party ("PRP") at the Tutu Site from the list of PRPs who have received Notice Letters from EPA. Likewise, the information presented in the Draft RI is not the sole basis for including your clients as PRPs at this Site.

Although the Draft RI attempts to indicate which facilities have "impacted" soil and which have an "impact" to groundwater, EPA retains and will exercise its independent authority for determining the proper cleanup levels at each facility at the Site, including the Center.

In addition, the criteria established in the Draft RI for determining which facilities have had or are having an "impact" on the Tutu Superfund Site do not parallel nor in any way supersede or replace the basis for liability established by Section 107 of CERCLA or any other provision of that or another applicable

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statute. EPA will apply all available information and evidence in this case to the standard of liability provided for in the statute when assigning liability for the contamination, remediation, and reimbursement of federal funds spent at this Site.

Thank you for your input into this process and we welcome all additional information which relates to the history of this Site.

Sincerely yours,

Caroline Kwan
Project Manager
New York/Caribbean Superfund Branch II

cc: Tim Knutson (for distribution to all PRPs)
Andrew Praschak, CFO
Sally Odland, CDM
John McBurney, De Maximis