

DEC 22 1994

John K. Dema, Esq.
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1236 Strand Street
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Re: Comments on Draft RI - Tutu Superfund Site

Dear Mr. Dema:

EPA has reviewed your letters dated November 1 and November 11, 1994 and their attachments. In general, we understand the purpose of these letters was to explain your position that it is necessary to "summarize certain data which has been excluded, overlooked, or otherwise distorted in an attempt by Geraghty & Miller to exclude Esso from its responsibilities for releasing chlorinated hydrocarbons into the Turpentine Run Aquifer." Your submissions 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 Esso facility as well as several other facilities in the area. EPA does not view the Draft RI as providing sufficient information to eliminate Esso 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.

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 Esso facility.

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

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replace the basis for liability established by Section 107 of CERCLA or any other provision of that or another applicable 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)
Chris Gibson, Attorney for Esso
Andrew Praschak, CFO
Sally Odland, CDM
John McBurney, De Maximis