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From: [REDACTED] [1](#)

Sent: Wednesday, June 29, 2011 8:55 PM

To: [REDACTED]

Subject: NFSS inter-agency requirements

[REDACTED] -

The regulation you cite seems to contradict USACE's understanding that is has unilateral authority as lead agency over SAP's. Your citation states that EPA approval is required. The SAP undertaken for the NFSS RIR Addendum did NOT address most issues raised by EPA in their written comments.

[REDACTED]

40 C.F.R. § 300.430 Remedial investigation/feasibility study and selection of remedy

“(8) Develop sampling and analysis plans that shall provide a process for obtaining data of sufficient quality and quantity to satisfy data needs. Sampling and analysis plans shall be reviewed and approved by EPA.”

Classification: UNCLASSIFIED

Caveats: NONE

Hello [REDACTED]

. . .To further explain our earlier reply in regard to the role of the regulators in FUSRAP, the Corps consults with New York State as required by law and our cooperative agreement with the State regarding FUSRAP remediation.

"Concurrence" is not required for those items you identify but State acceptance as described, pursuant to 40 CFR 300.430, is weighed in the selection of a remedy. Since the Corps is the lead Federal agency in FUSRAP, USEPA concurrence is not required but we seek, value, and consider the Agency's input.

Classification: UNCLASSIFIED

Caveats: NONE