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By E-Mail

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Subject: ARARs for Feasibility Study on Iona Island

The New York State Department of Environmental Conservation (DEC) has identified Applicable or Relevant and Appropriate Requirements (ARARs) for the State that we request be considered in the Feasibility Study for Iona Island. These ARARs are derived from the Soil Cleanup Objectives (SCOs) and Ambient Water Quality Standards and Guidance Values (AWQS/GV) found in respectively the 6 New York Code of Rules and Regulations (NYCRR) Part 375, Subpart 375-6, Table 375-6.8(b) dated 2015 and revised in 2025 and the Division of Water Technical and Operational Guidance Series 1.1.1 (TOGS 1.1.1) Memorandum which includes the standards listed in 6 NYCRR Part 703, Section 703.5. These ARARs are:

1. The DEC Protection of Ecological Resources SCO of 63 mg/kg for lead. Lead is the primary risk driver at the site, and the Ecological Risk Assessment found it posed an unacceptable risk to both terrestrial and aquatic species. Additionally, the SCO of 63 mg/kg for lead is more stringent than the Preliminary Remediation Goal (PRG) of 67 mg/kg identified in Section 3.3, Lines 1293-1294 of the FS. As a result, we propose that the Protection of Ecological Resources SCO be considered an applicable requirement at this site.
 - a. This is not an ARAR; however, this is included in the Feasibility Study (FS) as To-Be Considered (TBC) guidance. The PRG for lead was developed in the Remedial Investigation (RI) and FS using TBC guidance and property-specific background levels. The Property-specific background value for lead in soil was identified as 82.1 mg/kg, and, consistent with Property-specific background concentrations, a PRG of 82 mg/kg was selected for lead in soil. The Property-specific background value for lead in sediment was identified as a 95UCL of 67.4 mg/kg. Consistent with Property-specific background concentrations, a PRG of 67 mg/kg was selected for lead in sediment. See FS Section 3.3. RI Sections 5.7, 5.8 and 5.9 present the evaluation of these media compared to on-site media. Background data summaries can be found in the following RI sections: Soil Table 6-14, Water Table 6-15 and Sediment Table 6-16. Details of the comparison can be found in RI Appendix F. USACE cannot remediate below background levels for lead; therefore, the DEC Protection of Ecological Resources SCO of 63 mg/kg for lead was considered and accounted for in the FS, but USACE cannot apply this SCO as an ARAR and

remediate to that standard because it is below background levels. The FUDS program is designed to investigate and remediate CERCLA releases for which the Department of Defense (DoD) is responsible. The elevated background levels of lead in soil are not the result of a DoD CERCLA release, but rather the result of the heavy historical industrial activity in the region and naturally occurring levels.

2. The DEC surface water standard for fish/wildlife propagation of 8 µg/L for lead. The area immediately in front of the Former Dump Area is stated to be a spawning ground for sturgeons, and the sediment of the shoreline has been found to be impacted by lead. There is a risk where the contaminant could mobilize into the surface water, impacting fish propagation. Since there is no PRG for lead in the surface water listed in the FS, we propose that the surface water standard for fish/wildlife propagation for lead be considered an applicable requirement.
 - a. No unacceptable risk concerns for human or environmental receptors exposed to Property surface water were identified, and therefore, surface water was not evaluated further in the HHRA or SLERA. During the RI, surface water samples were collected, and analytical results were screened against the ambient water quality criteria. No exceedances of Surface Water Quality Standards were noted (Section 8.4 of the RI). If there is no unacceptable risk, no further action is required and ARARs related to surface water do not apply.
3. The DEC surface water standard for fish/wildlife survival of 204 µg/L for lead. The Remedial Investigation concluded that there is an unacceptable risk posed to two federally listed endangered fish species due to the lead-impacted sediment. There is a risk posed by the contaminant mobilizing into the surface water and affecting the survival of these species. Since there is no PRG for lead in the surface water listed in the FS, we propose that the surface water standard for fish/wildlife survival for lead be considered an applicable requirement.
 - a. See response to #2.
4. The DEC Protection of Ecological Resources soil cleanup objective (SCO) of 50 mg/kg for copper. As summarized in Table 3-1 in the FS, copper in both the hydric soil and shoreline sediment in and around the Former Dump Area poses a risk to ecological receptors. While it is not the primary risk driver like lead is, it is still considered a collocated contaminant of concern, and since the FS did not put forth a remedial action objective (RAO) or PRG for this contaminant, we propose that the Protection of Ecological Resources SCO for copper be considered as a relevant and appropriate requirement.
 - a. Copper was not identified as a contaminant of concern that posed unacceptable risk. Lead is the risk driver for all categories of receptors in the Dump Area, and, based upon test pitting in the dump area, metals contamination is collocated with ash. Therefore, any remedial action proposed for lead will also address collocated contamination. As remedial actions are not being proposed for copper, no ARARs apply.
5. The DEC Residential Use SCO of 280 mg/kg for copper. While copper is not stated to pose a risk to human receptors in Table 3-1 of the FS, it is still a collocated contaminant of concern

that could harm recreational users that encounter the shoreline sediment or soils in the Former Dump Area. Additionally, the SCO is more stringent than the human health residential soil/sediment regional screening level (RSL) of 310 mg/kg listed in the Remedial Investigation (RI). Since no RAO or PRG was listed for this contaminant in the FS, we propose that the Residential Use SCO for copper be considered a relevant and appropriate requirement.

- a. See #4.
6. The DEC Protection of Ecological Resources soil cleanup objective (SCO) of 12 mg/kg for antimony. As summarized in Table 3-1 in the FS, antimony in the shoreline sediment near the Former Dump Area poses a risk to ecological receptors. While it is not the primary risk driver like lead is, it is still considered a collocated contaminant of concern, and since the FS did not put forth a RAO or PRG for this contaminant, we propose that the Protection of Ecological Resources SCO for antimony be considered as a relevant and appropriate requirement.
 - a. Antimony was not identified as a contaminant of concern that posed unacceptable risk. As remedial actions are not being proposed for antimony, no ARARs apply. See #4.
 7. The DEC Protection of Ecological Resources soil cleanup objective (SCO) of 4 mg/kg for cadmium. As summarized in Table 3-1 in the FS, cadmium in the shoreline sediment near the Former Dump Area poses a risk to ecological receptors. While it is not the primary risk driver like lead is, it is still considered a collocated contaminant of concern, and since the FS did not put forth a RAO or PRG for this contaminant, we propose that the Protection of Ecological Resources SCO for cadmium be considered as a relevant and appropriate requirement.
 - a. Cadmium was not identified as a contaminant of concern that posed unacceptable risk. As remedial actions are not being proposed for cadmium, no ARARs apply. See #4.
 8. The DEC Residential Use SCO of 2.5 mg/kg for cadmium. While cadmium is not stated to pose a risk to human receptors in Table 3-1 of the FS, it is still a collocated contaminant of concern that could harm recreational users that encounter the shoreline sediment. Additionally, the SCO is more stringent than the human health residential soil/sediment RSL of 7.1 mg/kg listed in the RI. Since no RAO or PRG was listed for this contaminant in the FS, we propose that the Residential Use SCO for cadmium be considered a relevant and appropriate requirement.
 - a. See #7.
 9. The DEC surface water standard for fish/wildlife propagation of 7.7 µg/L for cadmium. While cadmium is not the primary risk driver like lead is, it is still a collocated contaminant of concern that could mobilize from the shoreline sediment into the surface water and impact the spawning grounds of sturgeon. Since no RAO or PRG was listed for this contaminant in the FS, we propose that the surface water standard for fish/wildlife propagation for cadmium be considered a relevant and appropriate requirement.

- a. See #7.
10. The DEC surface water guidance value for human fish consumption of 2.7 µg/L for cadmium. While cadmium is not the primary risk driver like lead is, it is still a collocated contaminant of concern that could mobilize from the sediment into the surface water and impact fish species that may be consumed by recreational users located in the Hudson River Shoreline DU. Additionally, the guidance value is more stringent than the EPA Maximum Contaminant Level (MCL) of 5 µg/L. Although we recognize that this may not qualify as an ARAR due to its status as a guidance value rather than a standard, we request that it be used in the FS as a value to be considered.
 - a. See #7.
 11. The DEC Protection of Ecological Resources soil cleanup objective (SCO) of 30 mg/kg for nickel. As summarized in Table 3-1 in the FS, nickel in the shoreline sediment near the Former Dump Area poses a risk to ecological receptors. While it is not the primary risk driver like lead is, it is still considered a collocated contaminant of concern, and the SCO is more stringent than the EPA Region 4 ecological screening level of 38 mg/kg listed in the RI. Since the FS did not put forth a RAO or PRG for this contaminant, we propose that the Protection of Ecological Resources SCO for nickel be considered as a relevant and appropriate requirement.
 - a. Nickel was not identified as a contaminant of concern that posed unacceptable risk. As remedial actions are not being proposed for nickel, no ARARs apply. See #4.
 12. The DEC Residential Use SCO of 87 mg/kg for nickel. While nickel is not stated to pose a risk to human receptors in Table 3-1 of the FS, it is still a collocated contaminant of concern that could harm recreational users that encounter the shoreline sediment. Additionally, the SCO is more stringent than the human health residential soil/sediment RSL of 150 mg/kg listed in the RI. Since no RAO or PRG is listed for this contaminant in the FS, we propose that the Residential Use SCO for nickel be considered a relevant and appropriate requirement.
 - a. See #11.
 13. The DEC surface water standard for fish/wildlife propagation of 8.2 µg/L for nickel. While nickel is not the primary risk driver like lead is, it is still a collocated contaminant of concern that could mobilize from the shoreline sediment into the surface water and impact the spawning grounds of sturgeon. Additionally, the standard is more stringent than the EPA Region 4 freshwater ecological screening level of 28.9 µg/L listed in the RI. Since no RAO or PRG is listed for this contaminant in the FS, we propose that the surface water standard for fish/wildlife propagation for nickel be considered a relevant and appropriate requirement.
 - a. See #11.
 14. The DEC surface water standard for fish/wildlife survival of 74 µg/L for nickel. While nickel is not the primary risk driver like lead is, it is still a collocated contaminant of concern that could mobilize from the shoreline sediment into the surface water and impact the survival of

the endangered sturgeon. Since there is no RAO or PRG listed for this contaminant in the FS, we propose that the surface water standard for fish/wildlife survival for nickel be considered a relevant and appropriate requirement.

a. See #11.

15. The DEC Protection of Ecological Resources soil cleanup objective (SCO) of 109 mg/kg for zinc. As summarized in Table 3-1 in the FS, zinc in the shoreline sediment and hydric soils in and near the Former Dump Area poses a risk to ecological receptors. While it is not the primary risk driver like lead is, it is still considered a collocated contaminant of concern, and since the FS did not put forth a RAO or PRG for this contaminant, we propose that the Protection of Ecological Resources SCO for zinc be considered as a relevant and appropriate requirement.

a. Zinc was not identified as a contaminant of concern that posed unacceptable risk. As remedial actions are not being proposed for zinc, no ARARs apply. See #4.

16. The DEC Residential Use SCO of 1,300 mg/kg for zinc. While zinc is not stated to pose a risk to human receptors in Table 3-1 of the FS, it is still a collocated contaminant of concern that could harm recreational users that encounter the shoreline sediment. Additionally, the SCO is more stringent than the human health residential soil/sediment RSL of 2,300 mg/kg listed in the RI. Since no RAO or PRG was listed for this contaminant in the FS, we propose that the Residential Use SCO for zinc be considered a relevant and appropriate requirement.

a. See #15.

17. The DEC surface water standard for fish/wildlife propagation of 66 µg/L for zinc. While zinc is not the primary risk driver like lead is, it is still a collocated contaminant of concern that could mobilize from the shoreline sediment into the surface water and impact the spawning grounds of sturgeon. Since no RAO or PRG was listed for this contaminant in the FS, we propose that the surface water standard for fish/wildlife propagation for zinc be considered a relevant and appropriate requirement.

a. See #15.

18. The DEC Protection of Ecological Resources soil cleanup objective (SCO) of 20 mg/kg for hexavalent chromium. As summarized in Table 3-1 in the FS, chromium in the hydric soils in the Former Dump Area poses a risk to ecological receptors. While it is not the primary risk driver like lead is, it is still considered a collocated contaminant of concern. Since the FS did not put forth a RAO or PRG for chromium, and despite the RSL listed in the RI being for total chromium, we request that the Protection of Ecological Resources SCO for hexavalent chromium be used in the FS as a value to be considered.

a. Hexavalent chromium was not identified as a contaminant of concern that posed unacceptable risk. As remedial actions are not being proposed for hexavalent chromium, no ARARs apply. See #4.

19. The DEC Residential Use SCO of 1 mg/kg for hexavalent chromium. While chromium is not stated to pose a risk to human receptors in Table 3-1 of the FS, it is still a collocated contaminant of concern that could harm recreational users that encounter the soil of the Former Dump Area. Since the FS did not put forth a RAO or PRG for chromium, and despite the RSL listed in the RI being for total chromium, we request that the Protection of Ecological Resources SCO for hexavalent chromium be used in the FS as a value to be considered.
- a. See #18.
20. The DEC Protection of Ecological Resources soil cleanup objective (SCO) of 0.18 mg/kg for total mercury. As summarized in Table 3-1 in the FS, mercury in the hydric soils in the Former Dump Area poses a risk to ecological receptors. While it is not the primary risk driver like lead is, it is still considered a collocated contaminant of concern, and since the FS did not put forth a RAO or PRG for this contaminant, we propose that the Protection of Ecological Resources SCO for total mercury be considered as a relevant and appropriate requirement.
- a. Mercury was not identified as a contaminant of concern that posed unacceptable risk. As remedial actions are not being proposed for mercury, no ARARs apply. See #4.
21. The DEC Residential Use SCO of 0.3 mg/kg for total mercury. While mercury is not stated to pose a risk to human receptors in Table 3-1 of the FS, it is still a collocated contaminant of concern that could harm recreational users that encounter the soil of the Former Dump Area. Additionally, the SCO is more stringent than the human health residential soil/sediment RSL of 1.1 mg/kg listed in the RI. Since no RAO or PRG was listed for it in the FS, we propose that the Residential Use SCO for total mercury be considered a relevant and appropriate requirement.
- a. See #20.

Sincerely,

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