

September 12, 1996

Mr. Gene Boss
Big Manufacturing Company
485 Oak Lane
Detroit, MI 48202

Mr. Robert Clean
Project Manager
Cleanup Management Consultants
301 Washington Avenue
Knoxville, TN 37919

RE: Main Street Landfill Site
ARARs for On-site Soil Treatment Activities

Dear Mr. Boss and Mr. Clean:

The United States Environmental Protection Agency (U.S. EPA) has completed its review of the Applicable or Relevant and Appropriate Requirements (ARARs) of State laws that have been identified by the Ohio Environmental Protection Agency (OEPA). This review was based on OEPA's correspondence dated December 15, 1995, July 29, 1996, and September 6, 1996 and Cleanup Management Consultant's correspondence of July 25, 1996. In accordance with section 300.415(j) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), on-site removal actions are required to attain ARARs to the extent practicable. Section V.7 of the Unilateral Administrative Order (UAO) Docket Number V-W-94-X-XXX requires Big Manufacturing Company to comply with ARARs.

OHIO ARARs Identified as Practicable

The following is a list of Ohio ARARs that U.S. EPA has determined to be practicable. These Ohio ARARs must be complied with during on-site soil treatment actions and will be incorporated into an amendment to the approved Work Plan pursuant to the UAO

(Amended Work Plan):

3745-15-07 Compliance with the rule by means of real time air monitoring for particulate and VOC emissions during all material handling, thermal treatment, and stabilization operations in the Amended Work Plan.

- 3745-15-07 Must be complied with for emissions from the thermal desorption unit and soil screening and material handling operations.
- 3745-17-08 Must comply with (B)(1) of the rule. Compliance with the remaining portion of the regulation is not practicable given the limited scope of the time-critical removal action.
- 3745-21-07 Must only comply with paragraph (J) of the rule as it applies to the thermal desorption unit. U.S. EPA has determined that compliance with the remainder of the rule is not practicable.
- 3745-31-05 Pursuant to section 121(e) of CERCLA, 42 U.S.C. § 9621(e), federal, state, and local permits will not be required for this time-critical removal action. However, Big Manufacturing Company must comply with the substantive requirements of paragraphs (A)(2)(b) & (c) of the rule.
- 3745-52-11 Comply with the requirements of this rule to characterize all identified wastes for off-site disposal in accordance with the U.S. EPA Off-site Rule and to evaluate the effectiveness and efficiency of the treatment process.
- 3745-52-20, 22, 23 Comply with the requirements of these rules as they apply to off-site transportation and disposal of characterized or identified hazardous waste.
- 3745-54-13 Must be complied with. It should be noted that Article V, Section V.d of the UAO requires Big Manufacturing Company to characterize all identified hazardous wastes.
- 3745-54-14 Respondents must provide site security and safety measures as also required by Article V, Section V of the UAO.
- 3745-54-15 Comply with the substantive requirements of paragraphs (A) & (C) of this rule. All operating equipment must be inspected to maintain safe operation for protection of personnel and the environment.
- 3745-54-31, 32, 33, 34 Must comply with the substantive requirements of these rules. Procedures to attain compliance with these rules must be described in an amendment to the approved Health and Safety Plan pursuant to the UAO (Amended Health and Safety Plan).
- 3745-54-37 Comply with the requirements of this rule with the exception of paragraph (A)(3). Please note that arrangements will be made with the U.S. EPA Emergency Response Team.

- 3745-54-52,
55, 56 Must comply with the substantive requirements of these rules and be included within the Amended Health and Safety Plan.
- 3745-55-14 Comply with the requirements of this rule and describe in the Amended Work Plan and Amended Health and Safety Plan.
- 3745-56-51,
54 Must comply with paragraphs (A)(1) and (F) of rule 3745-56-51, and the substantive requirements of rule 3745-56-54 as they pertain to monitoring and inspection of the covers and liners. Engineering controls such as covers and barriers must be used to minimize the potential for contaminant migration from wind dispersal or surface water run-off. All soil piles must be staged on liners and covered during non-operational periods (stated in draft Amended Work Plan as 4 hrs/day). U.S. EPA has determined that compliance with the remaining portions of these rules is not practicable given the limited scope of the removal action.
- 3745-57-01 Must only comply with paragraph (C) of this rule. Given the purpose and scope of the time-critical removal action, U.S. EPA disagrees with OEPA's view that the remainder of this rule is relevant and appropriate.
- 3745-59-07 Comply with the substantive requirements of this rule as it applies to the characterization of identified wastes for off-site disposal and the on-site soil treatment process.
- 3745-59-09 To be complied with when establishing the cleanup levels for the thermal and fixation soil treatment processes.
- 3745-59-35,
40, 41, 42, 43 On-site soil treatment actions must comply with the substantive requirements of these rules with respect to the cleanup levels established for the thermal desorption and stabilization units. The requirements of these rules as they pertain to waste piles are not applicable because no soil piles will remain on site at the conclusion of treatment activities.
- 3745-59-50 Comply with the requirements of this rule as they apply to characterized or identified wastes generated from soil treatment activities that will be transported off-site for disposal, e.g., personal protective equipment, spent scrubber water.
- 3734.02(I) Permits are not required for this interim removal action pursuant to section 121(e) of CERCLA, 42 U.S.C. § 9621(e); however, Big Manufacturing Company must comply with the substantive requirements of 3734.02(I).
- 3767.14 Must comply with.

OHIO ARARs to be Waived or Determined to be Impracticable

Pursuant to sections 300.415(j) and 300.430(f) of the NCP, and section 121(d)(4) of CERCLA, U.S.C. § 9621, ARARs do not need to be complied with during a removal action if they are impracticable or one of the categories of statutory waiver is applicable. U.S. EPA has found the following Ohio laws and rules are impracticable, may be waived pursuant to section 121(d)(4) of CERCLA, or do not constitute ARARs:

- 3745-54-18 Compliance with this rule is not practicable due to the urgency and scope of the removal action and given that the site is located within a floodplain.
- 3745-54-90,
91, 92, 93, 94
95, 96, 97, 98 These requirements are being waived because this on-site soil treatment process is being conducted during the time-critical removal action taken pursuant to section 106 of CERCLA, U.S.C. § 9606(a) and the UAO; and therefore, is only an interim measure. The time-critical removal action does not involve a final cleanup of the site. A non-time-critical removal action is also being conducted at this site, and these rules will be considered during the non-time-critical removal action. Groundwater monitoring has been conducted under the UAO, and will continue during this time-critical action; however, further groundwater monitoring and investigation will continue pursuant to the Administrative Order on Consent (AOC) to conduct an Engineering Evaluation/Cost Analysis (EE/CA). Pursuant to section 121(e) of CERCLA, the permit requirements of these rules are not ARARs.
- 3745-55-11 This rule is not practicable because it requires a degree of cleanup that is beyond the scope of the time-critical removal action. In addition, compliance with this rule containing closure requirements will be considered during implementation of the EE/CA being conducted during the non-time-critical removal action at this site.
- 3745-56-57 This rule is not applicable, nor is it relevant and appropriate, because the contaminated soil pile does not contain incompatible wastes.
- 3745-56-58 Compliance with this rule is not practicable because it is beyond the scope of the time-critical removal action. Closure will be considered during the non-time-critical removal action at this site.
- 3745-56-59 The rule is not an ARAR pursuant to section 121(e) of CERCLA because it is an administrative requirement.

3745-57-91,
92

U.S. EPA disagrees with OEPA's view that these rules are relevant and appropriate. Compliance with this rule is outside the scope of the removal action. However, it should be noted that the UAO requires that the soil treatment operations contain provisions and practices that will provide protection of human health and the environment.

3745-59-30

Compliance with the requirements of this rule is not practicable for the debris removed from the contaminated soil pile. In addition, the debris removed from the soil pile will be very small in comparison to the overall volume of debris remaining at the completion of removal activities, and the impact on any long term health risk posed by the debris will be considered during actions undertaken during the EE/CA.

3734.02(G),
(H)

Pursuant to section 121(e) of CERCLA, U.S.C. § 9621(e), federal state, and local permits are not required for the on-site activities being conducted during the time-critical removal action. Compliance with paragraph (H) of this rule is not practicable given the limited scope of the removal action.

If you have any questions or require additional information, please feel free to contact me.

Sincerely,

U. S. Jones
On-Scene Coordinator

cc: T. Law, ORC,
B. State, OEPA