



Minnesota Pollution Control Agency

January 23, 1997

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Scott A. Glass, Code 18610
Mr. Joel G. Murphy, Code 1866
Commanding Officers
Southern Division
Naval Facilities Engineering Command
P.O. Box 190010
North Charleston, South Carolina 29419-9010

RE: Naval Industrial Reserve Ordnance Plant Superfund Site

Dear Mr. Glass and Mr. Murphy:

The Minnesota Pollution Control Agency (MPCA) staff is hereby forwarding to you its updated list of Minnesota Applicable or Relevant and Appropriate Requirements (ARARs) and Minnesota To Be Considereds (TBCs) for the Naval Industrial Reserve Ordnance Plant (NIROP) Superfund Site. These ARARs and TBCs govern removals and response actions at the site under the Minnesota Environmental Response and Liability Act. This list is found as Attachment I to this letter and is forwarded pursuant to the Federal Facility Agreement, dated March 27, 1991, between the MPCA, the U.S. Environmental Protection Agency, and the U.S. Navy (Navy). The MPCA staff will continue to update this list as appropriate.

Please note that the NIROP National Pollutant Discharge Elimination System/State Disposal System Permit MN0000710, dated October 31, 1996, is not included in Attachment I. This is because this is both a state and federal permit. Please refer to the permit for additional MPCA ARARs for Operable Unit 1.

If you have any questions regarding this letter, please contact me at (612) 296-7818.

Sincerely,

David N. Douglas
Project Manager
Response Unit I
Site Response Section
Ground Water and Solid Waste Division

Enclosure

cc: Mark Perry, Brown & Root, Inc. (w/enc)
Eric Gridell, RMT, Inc. (w/enc)
Thomas Bloom, U.S. Environmental Protection Agency (w/enc)

**Attachment I
Minnesota Applicable or Relevant and Appropriate Requirements and To Be Considereds
For the Naval Industrial Reserve Ordnance Plant Site**

I. Minnesota Applicable or Relevant and Appropriate Requirements

Minnesota Pollution Control Agency

Operable Unit	ARAR	PERMITS REQUIRED	Comment
1, 2, 3	Minn. Stat. chs. 115 aand 116		
1,2, 3	Minn. R. 7001		-- MPCA may require and enforce a permit for any discharge to the waters of the state (SDS or NPDES permit).
		RELEASE REPORTING	
1, 2, 3	Minn. Stat. 115.061		-- Duty to notify and prevent pollution of the waters of the state.
		GROUND WATER PROTECTION	
1, 2, 3	Minn. Stat. 115.063		-- Policy to protect ground water as potable water source
		1989 GW PROTECTION ACT	
1, 2, 3	Minn. Stat. 103H		-- Nondegradation Goal -- Promotion and development of BMPs -- Water Resources Protection Requirements -- Identification and protection of Sensitive Areas
		AIR RELEASE REPORTING	
1	Minn. Stat. 116.061		-- Duty to notify and abate unusual or excessive releases to the air.
		PETROLEUM TANKS	
2, 3	Minn. Stat. ch. 115C	<i>N/A to CERCLA</i>	-- Petroleum Tank Release Cleanup Act -- Established Petrofund

		STATE SUPERFUND	
1, 2, 3	Minn. R. 7044		-- Permanent List of Priorities -- Funding Priority
		HAZARDOUS WASTE	
2, 3	Minn. R. 7045		-- Hazardous Waste Listing -- Generator Standards -- Transporter Standards -- Facility Standards -- Interim-status Standards -- Recycling Standards -- Ground Water Protection to Background, MCL's, ACL's
		A. OFF-SITE DISPOSAL OF SOILS FAILING TCLP TEST	
1, 2, 3	Minn. R. 7045.0261		-- Manifest documents as per 40 CFR Part 262 and 49 CFR Part 172 (applicable)
1, 2, 3	Minn. R. 7045.0270		-- Pretransport requirements (applicable)
		B. AIR STRIPPING	
1, 2, 3	Minn. R. 7045.0261		-- See above
1, 2, 3	Minn. R. 7045.0270		-- Carbon filters as RCRA Hazardous Wastes
		STANDARDS FOR WATERS	
1	Minn. Rule 7050		-- Classifies waters of the state (surface/ground) -- WQ standards for the classified waters -- Establishes permit requirements for discharges -- Establishes treatment requirements -- Establishes nondegradation for some waters -- Provides for toxics standard development -- Treatment Requirements
		UNDERGROUND WATERS	
1	Minn. R. 7060		-- Nondegradation goal for ground water -- Establishes uses of ground water -- Prohibition of discharges to saturated zone -- Limitations on discharges to unsaturated zone

Minnesota Department of Health

**1989 GROUND WATER
PROTECTION ACT**

1, 2, 3 Minn. Stat. 103H

-- Health Risk Limits for ground water pollutants

1, 2, 3 Minn. R. 4717.7100-.7800

-- Health Risk Limits for ground water pollutants

1, 2, 3 Minn. Stat. 144.98

**CERTIFICATION OF
ENVIRONMENTAL LABORATORIES**

-- Authority to certify laboratories

1, 2, 3 Minn. R. 4715

PLUMBING CODE

-- Use of public sewer and water systems

-- Plumbing materials and methods

1, 2, 3 Minn. R. 4725

WATER WELL CODE

-- Standards for the construction, maintenance and sealing of wells, environmental boreholes and exploratory borings

-- Prohibition of injection wells

**A. CONSTRUCTION OF
MONITORING WELLS AND
GROUNDWATER MONITORING**

1, 2, 3 Minn. R. 4725.2020

-- Interconnection of aquifers

1, 2, 3 Minn. R. 4725.2050

-- No disposal of wastes into borehole

1, 2, 3 Minn. R. 4725.2150

-- Setback requirements for borehole installations

1, 2, 3 Minn. R. 4725.2175

-- Wells within a building

1, 2, 3 Minn. R. 4725.2185

-- Distances required from buildings

1, 2, 3 Minn. R. 4725.2250

-- Casing requirements

1, 2, 3 Minn. R. 4725.2350

-- Steel casings

1, 2, 3 Minn. R. 4725.2450

-- Stainless casings

1, 2, 3 Minn. R. 4725.2550

-- Plastic casings

1, 2, 3 Minn. R. 4725.2750

-- Screens

1, 2, 3 Minn. R. 4725.3350

-- Interconnections and cross connections

1, 2, 3 Minn. R. 4725.3450

-- Flow controls

1, 2, 3 Minn. R. 4725.3550

-- Labels

1, 2, 3 Minn. R. 4725.3850

-- Sealing a well

1, 2, 3 Minn. R. 4725.3875
1, 2, 3 Minn. R. 4725.6450
1, 2, 3 Minn. R. 4725.6650
1, 2, 3 Minn. R. 4725.6755
1, 2, 3 Minn. R. 4725.6850

1, 2, 3 Minn. R. 4725.6650
1, 2, 3 Minn. R. 4725.6750
1, 2, 3 Minn. R. 4725.6775
1, 2, 3 Minn. R. 4725.6850
1, 2, 3 Minn. R. 4725.7450

1, 2, 3 Minn. R. 4725.0475
1, 2, 3 Minn. R. 4725.3850, subps 1-7
1, 2, 3 Minn. R. 4725.3875
1, 2, 3 Minn. R. 4725.7050

1, 2, 3 Minn. R. 4725.6650
1, 2, 3 Minn. R. 4725.6750
1, 2, 3 Minn. R. 4725.6775
1, 2, 3 Minn. R. 4725.6850
1, 2, 3 Minn. R. 4725.7450

1, 2, 3 Minn. R. 4725.3250

**A. CONSTRUCTION OF
MONITORING WELLS AND
GROUNDWATER MONITORING**

- Sealing a well
- Direction to comply
- Construction and use
- Construction and use
- Construction and use

**B. PRETREATMENT OF VOC
FROM SVE**

- Monitoring well requirements
- Monitoring well requirements
- Monitoring well requirements
- Monitoring well requirements
- Reference to monitoring well requirements

C. WELL ABANDONMENT

- Applicable
- Applicable
- Licensed contractor requirements
- Potentially applicable

D. AIR SPARGING

- See above

**E. GROUNDWATER EXTRACTION
ARARS**

- Unprotected openings

**LABORATORIES; ACCREDITATION
REQUIREMENTS**

1, 2, 3 Minn. R. 4740

- Certification procedures and standards for laboratories
- Prohibition of at or below grade wells
- Licensure and registration requirements
- Establishment of Well Advisory Areas
- Permit requirements for wells (inc. mon. wells)

Minnesota Department of Natural Resources

WATER SUPPLY MANAGEMENT

1 Minn. Stat. 105.405

- Requirement for appropriation permit
- Legislative approval for appropriation > 2MGD, except for remediation systems

**PROTECTED WATERS/WATER
APPROPRIATION**

1 Minn. R. 6115

- Classifies and protects lakes and wetlands
- Permits required for water appropriations greater than 10,000 gpd or 1,000,000 gpy
- Priority Listing for water use

SHORELAND MANAGEMENT

1 Minn. R. 6120

- Placement of structures and facilities, shoreland alterations, use standards

Minnesota Department of Labor and Industry

HEALTH AND SAFETY

1, 2, 3 Minn. R. 5205

- Standards for worker health and safety
- Standards for worker training

Minnesota Department of Public Service

**ONE CALL EXCAVATION NOTICE
SYSTEM**

1, 2, 3

Minn. Stat. 216D

- Establishment of Notification Center
- Notice of excavation
- Damage to facilities

Minnesota Department of Transportation

**MOTOR VEHICLE CARRIERS,
PIPELINE CARRIERS, FOR HIRE,
REGULATION**

1, 2, 3

Minn. Stat. 221

- License requirements for transporters
- Accident/Incident reporting
- Reference to Federal Statutes/Rules

**LICENSING OF HAZARDOUS
WASTE TRANSPORTERS**

1, 2, 3

Minn. R. 8870

- License requirements
- Identification Decals
- Training requirements
- Reporting requirements
- Insurance requirements

Minnesota Historical Society

**HISTORIC SITES, FIELD
ARCHAEOLOGY**

2, 3

Minn. Stat. 138.40

- Review of construction or development plans at sites on public lands that have known or potential historic or archaeological significance
- State agencies should cooperate in preserving archaeologically or historically significant sites

Metropolitan Council Environmental Services

**DISCHARGE TO METROPOLITAN
COUNCIL ENVIRONMENTAL
SERVICE'S SANITARY SEWER
SYSTEM**

1

Waste Discharge Rules, Sections:

202.00	-- General Information
205.00	-- Permit conditions
212.00	-- Monitoring
212.01	-- Monitoring points
212.03	-- Samples
212.04	-- Volumes
213.00	-- Sampling techniques
213.01	-- Methods of sampling
213.02	-- Required methods
213.03	-- Required methods
213.04	-- Flow measuring methods
214.00	--Records
215.00	
218.00	--Self-monitoring reports
304.00	-- Approval
304.01	-- Written applications
304.03	-- Accordance with provisions
401.00	-- Pretreatment
401.02	
402.00	-- Acceptable discharges
403.00	-- Solids
406.00 - 406.22	-- Prohibitions

II. Minnesota To Be Considereds

Minnesota Department of Administration

Operable Unit	To Be Considered		Comment
		MINNESOTA STATE BUILDING CODE	
1, 2, 3	Minn. R. 1300		-- None
		AMENDMENTS TO UNIFORM BUILDING CODE	
1, 2, 3	Minn. R. 1305		-- None
		ELECTRICAL CODE	
1, 2, 3	Minn. R. 1315		-- None
Minnesota Pollution Control Agency			
		AIR QUALITY REQUIREMENTS FOR AIR STRIPPER	
1	Air Quality Division Guidance Document for Remediation Sites and Landfills		-- See MPCA staff letter of December 11, 1996
		SOIL CLEANUP UNSATURATED ZONE	
2, 3	Soil Cleanup Numbers		-- See MPCA staff letter of December 27, 1996
Minnesota Department of Health			
		HEALTH BASED VALUES	
1			-- Unpromulgated site-specific health base values