



**WASTE DIVISION  
OFFICE OF REMEDIATION PROGRAMS**

**MEMORANDUM**

**TO:** Karen Doran

**FROM:** Michelle Hollis

**DATE:** July 20, 2010

**SUBJECT:** Response to ARARs comments dated July 14, 2010, Site 5, St. Juliens Creek  
Response from CH2M HILL, provided July 14, 2010.

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6. **VADEQ Comment:** This table provides the comment that no Virginia Chemical-Specific ARARs apply. However, the Chemical-Specific ARARs tables contained in the previously approved documents identify the following: Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation: 9 VAC 25-31-10 to 940 as Relevant and Appropriate; Hazardous Waste Regulations: 9 VAC 20-60-12 to 1505 as Applicable; Solid Waste Management Regulations: 9 VAC 20-80-10 to 790 as Applicable; and Ambient Air Quality Standards: 9 VAC 5-30-10 to 80 as Applicable. Please provide an explanation for removing these regulations from the Chemical-Specific ARARs table or amend the table to include these regulations as contained in the previously approved documents.

*Response: VPDES regulations were not included in the table the only discharges related to Site 5 activities are related to storm water. These requirements were included as action-specific ARARs. Hazardous Waste Management, Solid Waste Management, and Ambient Air Quality Regulations were removed from the table because these regulations are action-specific rather than chemical-specific ARARs.*

**VADEQ Comment:** 9 VAC 25-31-120, 180, 190 are relevant sections of the VPDES regulation which govern discharges of stormwater. Should the activities on Site 5 result in a discharge of stormwater the cited sections may potentially be ARARs. VADEQ is agreeable to moving the Hazardous Waste Management, Solid Waste Management and Ambient Air Quality regulations to the action-specific table.

7. **VA DEQ Comment:** This table does not list the Chesapeake Bay Preservation Area Designation and Management Regulation: 9 VAC 10-201-10 to 260. However, the previously approved documents identify this regulation as Applicable. Please provide an explanation for removing this regulation from the Location -Specific ARARs table or amend the table to include this regulation as contained in the previously approved documents.

*Response: Zoning law does not apply to federal facilities; therefore, these regulations are not ARARs.*

**VADEQ Comment:** No Comment.

8. **VADEQ Comment:** The Virginia Water Protection Permit Program Regulation: 9 VAC 25-210-10 to 260 is listed as Relevant and Appropriate. However, the previously approved documents list this regulation as Applicable. Please provide an explanation for the determination change or amend the table to reflect the determination contained in the previously approved documents.

*Response: Alternative 2 has been returned to applicable. Alternatives Response: Alternative 2 has been returned to applicable. Alternatives 3 and 4 do not involve permanent change or degradation of wetland areas and therefore these regulations are not applicable; however, these alternatives involve circumstances that are sufficiently similar to the actions described in the regulations that they are relevant and appropriate.*

**VADEQ Comment:** DEQ appreciates the action taken in the response.

9. **VADEQ Comment:** This table does not list the Virginia Pollutant Discharge Elimination System (VPDES) Permit: 9 VAC 25-31-10 to 940. However, the previously approved documents identify this regulation as Relevant and Appropriate. Please provide an explanation for removing this regulation from the Action-Specific ARARs table or amend the table to include this regulation as contained in the previously approved documents.

*Response: These regulations were not included because general storm water permitting requirements were included as action-specific ARARs.*

**VADEQ Comment:** See DEQ's comment for #6. DEQ is agreeable to listing the VPDES regulation under the action-specific ARAR table.

10. **VADEQ Comment:** The Virginia Water Protection Permit Program Regulation: 9 VAC 25-210-10 to 260 is listed as Relevant and Appropriate. However, the previously approved documents list this regulation as Applicable. Please provide an explanation for the determination change or amend the table to reflect the determination contained in the previously approved documents.

*Response: Duplicate comment; see response to Comment 8.*

**VADEQ Comment:** No Comment.

11. **VADEQ Comment:** 9 VAC 25-690-10 to 100 not listed, previously applicable.

*Response: Site 5 activities do not fall under the inclusive activities in 9 VAC 25-690-30B.*

**VADEQ Comment:** No Comment.

12. **VADEQ Comment:** This table does not contain the Standard of Performance for Visible Emissions and Fugitive Dust/ Emissions [Rule 5-1]: 9 VAC 5-50-60- to 120; USEPA National Emission Standards for Hazardous Air Pollutants [Rule 6-1]: 9 VAC 5-60-60 to 80; Emissions Standards for Toxic Pollutants from New and Modified Sources [Rule 6-5]: 9 VAC 5-50-60-300 to 370.

**Response:** *The only emissions that could be produced during Site 5 activities are fugitive dust. 9 VAC 5-50-90 has been added to the action-specific ARARs to address this.*

**VADEQ 2nd Comment:** DEQ appreciates the action taken in the response and is agreeable to listing 9 VAC 5-50-90 as an action specific ARAR.

13. **VADEQ Comment:** Please add these sections: 390, and 1182 to 1188, in addition to the cited sections contained on this table for the Virginia Stormwater Management Program (VSMP) Permit Regulations: 4 VAC 50-60.

**Response:** *Section 390 was not included because it refers to effluent sampling methods. Site 5 activities do not require discharge sampling and therefore these procedures are not applicable. Since sections 1182 to 1188 were referenced in section 1170 they were not originally included on the table. These sections have been added.*

**VADEQ Comment:** DEQ appreciates the action taken in the response.

14. **VADEQ Comment:** Please add section 10, in addition to the cited sections contained on this table for the Erosion and Sediment Control Regulation: 4 VAC 50-30-40 and 60.

**Response:** *Section 10 was not included on the table because it contains only no substantive requirements.*

**VADEQ Comment:** Development of a stormwater management program may be required due to the potential for stormwater runoff during construction activities. As a result the definitions in 4 VAC 50-30-10 could be considered substantive.

15. **VADEQ Comment:** Please add these additional sections: 10, 60 (A), 80, 90, 120, 130, 210, 220, 230, 300, 310, 320, 400, 450, 470, 640, 650, 660 and 700, in addition to the cited sections contained on this table for the Solid Waste Management Regulations: 9 VAC 20-80.

**Response:** *Sections 10, 60(A), 130, and 320 were not included on the table because they contain no substantive requirements. Section 80 prohibits open dumping and is not applicable to Site 5 remedial actions. Section 90 prohibits unpermitted disposal and is not applicable to Site 5 remedial actions. Section 120 was not included because regulations governing offsite activity apply automatically. Sections 210, 220, 230 and 310 were not included because, based on previous investigations and historic records, Site 5 does not require closure as a waste management facility. Section 300 was not included because it lists requirements for active, permitted disposal facilities. Section 400 was included as applicable for the management of soil stockpiles. Sections 450 and 470 were not included since these units are not being utilized at Site 5. Sections 640, 650, 660, and 700 were not included because ACM, PCBs, liquids, and soil contaminated with petroleum are not being disposed of onsite.*

**VADEQ Comment:** DEQ appreciates the action taken in the response.

16. **VADEQ Comment:** Please add Private Well Regulations: 12 VAC 5-630-60, and 360 to 480. Please be aware that well abandonment is governed jointly by the Virginia Department of Health and the Department of Environmental Quality.

***Response:** Private Well Regulations were not included since no wells will be installed during the remedial actions at Site 5.*

**VADEQ Comment:** The previously approved EE/CA states that monitoring wells SJS05-MW01S and SJS05-MW01D will require abandonment for alternatives 2, 3 and 4. The document further states for alternatives that require well abandonment, new shallow groundwater monitoring wells will be installed as near to the original location as practical. Should these activities take place 12 VAC 5-630-60, and 360 to 480 are applicable ARARs.