

Staszak, Janna/VBO

From: Doran, Karen (DEQ) [Karen.Doran@deq.virginia.gov]
Sent: Friday, July 30, 2010 12:43 PM
To: walt.j.bell@navy.mil; Staszak, Janna/VBO; Jones, Adrienne/VBO; Bob Stroud
Subject: Site 5 AM - VDEQ responses
Attachments: 3rd Response to Site 5 St Juliens.doc

Team -
See attached for Michelle's responses.
Let me know if you have questions.
Thanks,
Karen

From: Hollis, Michelle (DEQ)
Sent: Fri 7/30/2010 11:42 AM
To: Doran, Karen (DEQ)
Subject: Site 5 Juliens Creek

Karen,

Attached is the 3rd response as discussed on July 28, 2010, during the partnering meeting.

Please let me know if you need additional information.

Thank You,

Michelle R. Hollis
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WASTE DIVISION
OFFICE OF REMEDIATION PROGRAMS

MEMORANDUM

TO: Karen Doran
FROM: Michelle Hollis
DATE: July 30, 2010
SUBJECT: St. Juliens Creek, Site 5, ARARs response to comments.

6. **VDEQ 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.

VDEQ 2nd Comment: *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.*

2nd Response: 9 VAC 25-31-40 identifies an exception for discharges in compliance with the instructions of an on-scene coordinator pursuant to 40 CFR Part 300. Additionally, 9 VAC 25-31 applies to discharges of storm water from industrial activities. Discharges of storm water from construction activities are covered by the provisions of the Storm Water Management Act (portions of 4VAC 50-60) and are included as action-specific ARARs. Water quality standards are typically taken into account as chemical-specific ARARs where chemical discharge to surface water occurs in a remedial activity; in this case, discharge of storm water is incidental to executing the remedy but is not part of the remedy itself. 9 VAC 25-31-120, 180, and 190 have not been included as relevant and appropriate chemical-specific ARARs.

VDEQ 3rd Comment: *No Comment.*

9. **VDEQ 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.

VDEQ 2nd Comment: *See DEQ's 2nd comment for #6. DEQ is agreeable to listing the VPDES regulation under the action-specific ARAR table.*

2nd Response: See second response to Comment #6. Discharges of storm water from construction activities are covered by the provisions of the Storm Water Management Act (portions of 4 VAC 50-60 as indicated) and are included as action-specific ARARs. 9 VAC 25-31 could be considered applicable if groundwater was being remediated and discharged; however, since discharge is limited to construction incidental to the removal action, it does not apply. The content of 4 VAC 50-60 contains essentially the same information as 9 VAC 25-31; however, the first applies to construction activities and the second to industrial activities. Therefore, no changes have been made to the ARARs tables.

VDEQ 3rd Comment: *No Comment.*

14. **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.

VDEQ 2nd 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.*

2nd Response: 4 VAC 50-30-10 has been added at the request of VDEQ.

VDEQ 3rd Comment: *DEQ appreciates the action taken in the response.*

16. **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.

VDEQ 2nd 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 practicable. Should these activities take place 12 VAC 5-630-60, and 360 to 480 are applicable ARARs.*

2nd Response: Although monitoring wells were planned for replacement at the time of the EE/CA preparation, since then the team has determined that no further action or investigation is required for shallow groundwater and that monitoring wells can therefore be abandoned and not replaced. 12 VAC 5-630-420(c) and 450(c)(1), (2), (4), (5), and (7) to (9) are applicable to the abandonment of the monitoring wells and have been added to the table. Observation, monitoring, and remediation wells are subject only to the requirements relating to well abandonment.

VDEQ 3rd Comment: *DEQ appreciates the action taken in the response.*