

N50092.AR.000172
JEB FORT STORY, VA
5090.3a

LETTER WITH ATTACHED APPLICABLE OR REVELVANT AND APPROPRIATE
REQUIREMENTS (ARAR) FORT STORY VA
8/7/1995
COMMONWEALTH OF VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

File 467

0172



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

Peter W. Schmidt
Director

August 7, 1995

P. O. Box 10009
Richmond, Virginia 23240-0009
(804) 762-4000

Commander
US Army Transportation Center
ATZF-PWE (Musel)
Building 1407, Room 111
Fort Eustis, Virginia 23604-5332

Dear Mr. Musel:

Thank you for the opportunity to participate in the Technical Review Committee (TRC) meeting on July 27, 1995. The TRC discussion and the visit to the Installation Restoration Program (IRP) sites were very helpful. Concerning the study of Lake Eustis by the US Army Center for Health Promotion and Preventive Medicine, I am very interested in receiving the report when it is finalized. With respect to the monitoring program with for Bailey's Creek, I would like an outline of that program with some general information (target species, sample collection locations, frequency of collection, target analytes) as it is completed. I am available to provide technical assistance during the study development or implementation phases.

At the TRC meeting, I indicated that I would be providing some information concerning Applicable or Relevant and Appropriate Requirements (ARARs). Attached are some of the ARARs which should be recognized as the remedial activities progress at Fort Eustis. As remedial activities continue other ARARs may be identified.

Thank you for the invitation to the TRC meeting and if you have any comments please contact me at (804) 762-4192.

Sincerely,

Durwood H. Willis
Project Officer
Office of Federal Facilities
Restoration and Superfund Program

cc: Robert Stroud, EPA Region III
Erica Dameron, DEQ
Larry McBride, DEQ

Commonwealth of Virginia ARARs

This is a preliminary identification of Commonwealth of Virginia ARARs. Following a review and discussion of proposed remedial alternatives for a given site, state ARARs and To Be Considered Materials (TBCs) can be more specifically identified.

The material below includes state statutes and regulations that may serve as state ARARs (along with corresponding federal statutes and regulations for informational purposes). The information includes the citation for each source and a short explanation of each item indicating how it may be pertinent with regard to a proposed remedy.

1. Virginia State Water Control Law, Code of Virginia Sections 62.1-44.2 et seq.; Virginia Water Regulations entitled "Water Quality Standards" (VR 680-21-00); "Virginia Pollutant Discharge Elimination System (VDES) and Virginia Pollution Abatement (VPA) Permit Program" (VR 680-14-01); and "Virginia Water Protection Permit" regulations (VR 680-15-01). Federal: the Water Pollution Control Act, 33 U.S.C. 1251; and the Safe Drinking Water Act, 42 U.S.C. 300(f).

Groundwater underlying the site should be remediated in accordance with CERCLA guidelines. Cleanup levels for potential drinking water sources are typically based on MCLs. In the absence of MCLs, other health-based standards or criteria from the Virginia and/or federal regulations, or best professional judgment based on risk assessment, may be employed. Where groundwater that is a potential drinking water source discharges to surface water, the cleanup level at that discharge point would be the more stringent level between the MCL (or acceptable risk-based level) and a discharge limit based on the state or federal surface water standard or criteria for the protection of aquatic life.

The Virginia Standards for Surface Water (VR 680-21-01.14) should be listed as a Chemical-Specific ARAR along with the National Primary Drinking Water Regulations and the federal Ambient Water Quality Criteria. These standards and criteria will serve as ARARs and TBCs for purposes of developing soil and groundwater cleanup levels. Soil cleanup levels will be developed by using the more stringent concentration level resulting from the following analyses: (1) risk assessment taking into account all potential soil exposure pathways; (2) soil modeling to determine the concentration of contaminants that can remain in the soil such that water in equilibrium with the soil will not result in contaminant concentrations in the groundwater greater than MCLs; and, (3) soil modeling to determine the concentrations of contaminants that can remain in the soil such that water in equilibrium with the soil will not lead to a natural discharge to surface water resulting in an in-stream contaminant concentration greater than its surface water standard.

The Virginia Pollution Discharge Elimination System Regulations (VR 680-14-01) should be referenced along with the National Pollutant Discharge Elimination System Requirements. Any treated groundwater, decontamination water or other wastewater to be discharged to surface waters must meet effluent discharge limits established by the Water Division, Virginia Department of Environmental Quality. These limits are established on a case-by-case determination. Site-specific limits may be established following receipt of initial design and estimated discharge rates of the treatment unit.

The Virginia Water Protection Permit Regulations (VR 680-15-02) delineate the procedures and requirements to be followed in connection with activities such as dredging, filling or discharging any pollutant into, or adjacent to, surface waters, or any activity which impacts the physical, chemical or biological properties of surface waters. (The definition of surface waters includes wetlands.) The standards are typically required in addition to the U.S. Army Corps of Engineers § 404 permit, and are established in coordination with requirements of the Chesapeake Bay Preservation Act administered by local permitting boards or requirements of the Virginia Marine Resources Commission.

2. Virginia Waste Management Act, Code of Virginia Sections 10.1-1400 et seq.; Virginia Hazardous Waste Management Regulations (VHWMR) (VR 672-10-1); Virginia Solid Waste Management Regulations (VSWMR) (VR 672-20-10); Virginia Regulations for the Transportation of Hazardous Materials (VR 672-30-1). Federal: the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901, and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous Materials, 49 CFR Parts 107, 171.1-172.558.

If the remedial response contemplated involves storage, treatment or disposal of a VHWMR/RCRA hazardous waste, various VHWMR/RCRA requirements may need to be complied with as specified in VHWMR and/or the applicable 40 CFR Parts. Because Virginia administers an authorized state RCRA program, the Virginia Hazardous Waste Management Regulations (VHWMR) will serve as the governing ARAR in place of the RCRA regulations contained in the 40 CFR Parts, except for the Land Disposal Restrictions of 40 CFR Part 268. (At this time, Virginia does not have authorization for administering the LDR's.)

Some sample VHWMR Part X Sections corresponding to RCRA regulations of 40 CFR Part 264 are listed below:

	<u>VHWMR §</u>	<u>40 CFR Part 264</u>
Releases from Solid Waste Management Units	10.5	Subpart F
Closure and Post-Closure	10.6	Subpart G
Use and Management of Containers	10.8	Subpart I
Tank Systems	10.9	Subpart J
Surface Impoundments	10.10	Subpart N
Waste Piles	10.11	Subpart L
Land Treatment	10.12	Subpart M
Landfills	10.13	Subpart N

The transportation of hazardous waste must be conducted in compliance with VHWMR Parts VI and VII and the Virginia Regulations for the Transportation of Hazardous Materials.

The disposal of any soil, debris, sludge or any other solid waste from a site must be done in compliance with VSWMR.

3. Virginia Air Pollution Control Law, Code of Virginia Sections 10.1-1300 et seq.; Virginia Regulations for the Control and Abatement of Air Pollution (VR 120-01).
Federal: the Clean Air Act, 42 U.S.C. 7401; and 40 CFR Subchapter C.

Any emission from the disturbance of soil at a site, or treatment of soil or water, must meet the Virginia air emission standards for toxic pollutants, particulates and volatile organic compounds.

4. Virginia Erosion and Sediment Control Law, Code of Virginia Sections 10.1-560 et seq., and the Virginia Erosion and Sediment Control Regulations (VR 625-02-00).

Before engaging in any land-disturbing activity, as defined in the statute, an erosion and sediment control plan must be submitted for review by the soil and water conservation district or locality and the plan must be approved by the plan-approving authority.

5. Virginia Board of Game and Inland Fisheries, Code of Virginia Sections 29.1-100 et seq.; Virginia Endangered Species Act, Code of Virginia Sections 29.1-563 et seq.. Federal: the Endangered Species Act, 16 U.S.C. 1531.

Biological assessments should be conducted and submitted to VDEQ for review by the Virginia Board of Game and Inland Fisheries to determine whether endangered species or their habitats are threatened by the site. Certain species of fish and wildlife are identified as being threatened and are entitled to special preservation and protection measures under these statutes.

6. Virginia Wetlands Act, Code of Virginia §§ 62.1-13.1 et seq.; Virginia Wetlands Regulations (VR 450-01-0051); federal Water Pollution Control Act, 33 U.S.C. § 1344(f) (2) (commonly referred to as § 404 of the Clean Water Act); 33 CFR Part 323.2(c) and (e); and federal Executive Order 11990 related to wetlands management.

Any activity to take place in, or impact on, a tidal wetland must meet the provisions of the Virginia Wetlands Act and regulations as applicable. (The Virginia Water Protection Permit regulations cited above is also applicable to activities impacting wetlands, as well as the Chesapeake Bay Preservation Act which is referenced below.)

7. Chesapeake Bay Preservation Act, Code of Va. § 10.1-2100 et seq.; Chesapeake Bay Preservation Area Designation and Management Regulations (CBPA Regulations) (VR 173-02-01).

Require that certain locally designated tidal and nontidal wetlands, as well as other sensitive land areas, be subject to limitations regarding land-disturbing activities, removal of vegetation, use of impervious cover, erosion and sediment control, stormwater management, and other aspects of land use that may have effects on water quality.

8. Virginia Stormwater Management Act, Code of Va. § 10.1-603.1 et seq.; Virginia Stormwater Management Regulations (VR 215-

02-00), and local stormwater management programs.

All land-disturbing activities must be in compliance with local stormwater management programs, where they exist. (The adoption of a program by a locality is optional, but if locality adopts, must meet state requirements.) In the absence of a local program, if impervious surface is to be created by remedy, then state requirements may be relevant and appropriate.

9. Coastal Management Plan, City of _____;
Federal: Coastal Zone Management Act, 16 U.S.C. 1451 et seq.;
National Oceanic and Atmospheric Administration (NOAA) Regulations
on Federal Consistency With Approved State Coastal Zone Management
Programs, 40 CFR Part 930.

Activities within a Coastal Management Zone must be in compliance with local requirements.

10. Virginia Historic Resources Law, Code of Va. § 10.1-2200-2214; Virginia Antiquities Act, Code of Va. § 10.1-2300-2306.

Activities impacting resources governed by these statutes must comply with state requirements.

11. Federal Executive Order 11988 related to floodplain management.

Any activity located in a floodplain must comply with the provisions of this Executive Order. The Order requires that federal activities in floodplains must reduce the risk of flood loss, minimize the impact of floods on human safety, health and welfare, and preserve the natural and beneficial values served by floodplains.

As stated above, this list is only a preliminary identification of potential state ARARs. As site-specific information is presented and various remedial alternative are considered, more specific ARARs will be established in conjunction with the appropriate federal or state regulatory division.