

From: [Gielniewski, Margaret](#)
To: [Dombrowski, Frank](#)
Cc: [DuFresne, Kristin I - DNR](#)
Subject: Minor Comments to Marinette ARAR Table
Date: Wednesday, May 03, 2017 11:46:23 AM
Attachments: [CH2MReview Table 1 - Marinette ARAR 20170405 toEPA.docx](#)
Importance: High

Hello Frank,

Attached is EPA's review of the Marinette ARAR Table, submitted by WEC on April 5, 2017. I have one comment that is added as a comment bubble in the table. I also made two minor redline changes, date of submission from WEC and the acronym list.

For ease, here is the comment in text format:

Clean Water Act (CWA) Section 404 and CWA Section 401 Water Quality Certification should be added under Federal section in the Location-Specific ARARs sub-table.

Please let me know if you have any questions.

Best regards,
Margaret

Table 1 - Preliminary List of Applicable or Relevant and Appropriate Requirements (ARARs), and To Be Considered (TBC) Guidance/Criteria Wisconsin Public Service Corporation - Former Marinette Manufactured Gas Plant Site - March 23/April 5, 2017
1603 Ely Street, Marinette, Wisconsin
CERCLA Docket No. V-W-06-C-847
USEPA WIN00050995 / Site Spill ID: B5BT / BBRTS #02-38-000047 / CERCLIS ID: WIN000509952

Chemical-Specific ARARs/TBC

MEDIA	REQUIREMENT, CRITERIA, STANDARD, LIMIT	RELEVANT ALTERNATIVES	CITATION	TYPE OF ARAR	RELATIONSHIP BETWEEN REQUIREMENT, CRITERIA, STANDARD AND/OR LIMIT AND ALTERNATIVE COMPONENT AND OTHER COMMENTS
FEDERAL					
Groundwater	Groundwater Quality Standards	Alternatives 1-4	40 CFR Part 141 – Safe Drinking Water Act of 1974	Relevant and Appropriate	The National Primary Drinking Water Regulations establish health-based standards for public drinking water systems [maximum contaminant levels (MCLs)]. MCLs are legally enforceable federal drinking water standards and relevant and appropriate to groundwater.
WISCONSIN					
Soil	Soil Cleanup Standards	Alternatives 1-4	Wis. Admin. § NR 720: Soil Cleanup Standards	Applicable	Soil Cleanup Standards are legally applicable to soil, preferred method for determining RCLs outlined based on EPA soil screening values and 10-6 for individual compounds and 10-5 for cumulative risk, alternate RCLs can be developed with input from WDNR.
Groundwater	Groundwater Quality Standards	Alternatives 1-4	Wis. Admin. § NR 140: Groundwater Quality	Applicable	NR 140 Groundwater Quality Standards are legally applicable to all groundwater, regardless of groundwater use <ul style="list-style-type: none"> o Generally, NR 140 PALs are the groundwater cleanup goal for all sites, however, flexible closure requirements in NR 726 may be used to set ESs as the primary ROD goal, provided that an adequate source control action is conducted and groundwater monitoring shows a stable or receding plume everywhere groundwater is monitored, including source and NAPL areas.
			Wis. Admin. § NR 726: Case Closure	Relevant and Appropriate	NR 726 Case Closure Cleanup requirements are relevant and appropriate
Sediment	Surface Water Quality Standards	Alternatives 1-4	Wis. Admin. § NR 105: Surface Water Quality Criteria and Secondary Values for Toxic Substances	To Be Considered	Surface Water Quality Standards. Refer to WDNR Publication PUBL-RR-606 (see TBC, page 4)
Surface Water	Surface Water Quality Standards	Alternatives 1-4	Wis. Admin. § NR 105: Surface Water Quality Criteria and Secondary Values for Toxic Substances	Applicable	Surface Water Quality Standards for the MGP-related COCs at the site are applicable to monitoring of surface water as part of evaluation of the existing cap.

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MEDIA	REQUIREMENT, CRITERIA, STANDARD, LIMIT	RELEVANT ALTERNATIVES	CITATION	TYPE OF ARAR	RELATIONSHIP BETWEEN REQUIREMENT, CRITERIA, STANDARD AND/OR LIMIT AND ALTERNATIVE COMPONENT AND OTHER COMMENTS
Soil Gas/Indoor Air – Chemical Specific	Indoor Air Quality and Vapor Migration	Alternatives 1-4	Wis. Admin. § NR 720 Soil Cleanup Standards	Applicable	NR 720: Soil Cleanup Standards are legally applicable.
			Wis. Admin. § NR 726 Case Closure	Relevant and Appropriate	NR 726 Cleanup for Closure is relevant and appropriate <ul style="list-style-type: none"> Indoor Air Quality Standards are used to develop Vapor Action Levels for MGP COCs in indoor air and Vapor Risk Screening Levels for MGP COCs in sub slab and soil gas, and in groundwater. Actions must be taken to ensure soil and groundwater are remediated such that indoor air from vapor intrusion is addressed; the rule also requires vapor mitigation systems for occupied building if needed to address an immediate threat. Note: Guidance (which would be a TBC) is planned to allow avoiding vapor mitigation systems in vacant buildings with VI issues provided a continuing obligation (CO) is put in place to require the RP to notify WDNR if the building use changes and possibly install a system.

Location-Specific ARARs

LOCATION	REQUIREMENT, CRITERIA, STANDARD, LIMIT	RELEVANT ALTERNATIVES	CITATION	TYPE OF ARAR	RELATIONSHIP BETWEEN REQUIREMENT, CRITERIA, STANDARD AND/OR LIMIT AND ALTERNATIVE COMPONENT AND OTHER COMMENTS
FEDERAL					
<u>NONE IDENTIFIED</u>					
WISCONSIN					
Boom Landing Zone	Navigable Water Ways Requirements	Alternatives 2 - 4	Wis. Stat. § 30: Navigable Waters, Harbors and Navigation	Potentially Applicable	Should soil excavation or other remedial activities impact the bank of the Menominee River, Navigable Water Ways Requirements will apply.
		Alternatives 2 - 4	Wis. Stat. § 281: Water and Sewage	Potentially Applicable	
		Alternatives 2 - 4	Wis. Admin. § NR 328: Shore Erosion Control Structures in Navigable Waterways	Potentially Applicable	
		Alternatives 2 - 4	Wis. Admin. § NR 341: Grading on the Bank of Navigable Waterway	Potentially Applicable	

Comment [KJ1]: Clean Water Act (CWA) Section 404 and CWA Section 401 Water Quality Certification should be added under Federal section in the Location-Specific ARARs sub-table.



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Soil Action-Specific ARARs

MEDIA	REQUIREMENT, CRITERIA, STANDARD, LIMIT	RELEVANT ALTERNATIVES	CITATION	TYPE OF ARAR	RELATIONSHIP BETWEEN REQUIREMENT, CRITERIA, STANDARD AND/OR LIMIT AND ALTERNATIVE COMPONENT AND OTHER COMMENTS
FEDERAL					
<i>NONE IDENTIFIED</i>					
WISCONSIN					
Wastewater Discharges to POTW	Surface Water Effluent Standards, Criteria, and Limitations	Alternatives 2-4	Wis. Stat. § 281: Water and Sewage	Applicable	Surface water quality effluent standards, criteria and limitations are Applicable where dewatering during soil excavation may necessitate discharge to the Menomonee River. Discharge to POTW is an offsite action, and any pretreatment requirements would need to be met.
		Alternatives 2-4	Wis. Stat. § 283: Pollution Discharge Elimination	Applicable	
		Alternatives 2-4	Wis. Admin. § NR 106: Procedures for Calculating Water Quality Based Effluent Limitations for Point Source Discharges to Surface Waters	Applicable	
		Alternatives 2-4	Wis. Admin. § NR 200 - Application for Discharge Permits and Water Quality Standards Variances	Applicable	
		Alternatives 2-4	Wis. Admin. § NR 207: Water Quality Antidegradation	Applicable	
		Alternatives 2-4	Wis. Admin. § NR 218: Method and Manner for Sampling	Applicable	
		Alternatives 2-4	Wis. Admin. § NR 219: Analytical Test Methods and Procedures	Applicable	

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MEDIA	REQUIREMENT, CRITERIA, STANDARD, LIMIT	RELEVANT ALTERNATIVES	CITATION	TYPE OF ARAR	RELATIONSHIP BETWEEN REQUIREMENT, CRITERIA, STANDARD AND/OR LIMIT AND ALTERNATIVE COMPONENT AND OTHER COMMENTS
Site Disturbance	Storm Water Runoff Requirements	Alternatives 2-4	Wis. Stat. § 281: Water and Sewage	Applicable	All are Applicable. Storm water runoff requirements apply during excavation activities at sites equal to or greater than one acre that may result in discharge of storm water to the Manitoowoc River.
			Wis. Stat. § 283: Pollution Discharge Elimination	Applicable	
			Wis. Admin. § NR 216: Storm water Discharge Permits	Applicable	
			Wis. Admin. § NR 151: Runoff Management	Applicable	
Site Disturbance In-Situ Treatment of Soil Soil that generates vapors	Air Emissions Requirements, Criteria, Limitations	Alternatives 2-4	Wis. Admin. § 415 - Control of Particulate Emissions	Applicable	Air emission requirements will be applicable during soil excavation and blending activities that generate fugitive dust and/or vapors Air emission requirements will be applicable to in-situ treatment alternatives that involve the generation of vapors.
			Wis. Admin. § 419 - Control of Organic Compound Emissions	Applicable	
			Wis. Admin. § 429 - Malodorous Emissions and Open Burning	Applicable	
			Wis. Admin. § 431 - Control of Visible Emissions	Applicable	
			Wis. Admin. § 445 - Control of Hazardous Pollutants	Applicable	

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Groundwater Action-Specific ARARs

MEDIA	REQUIREMENT, CRITERIA, STANDARD, LIMIT	RELEVANT ALTERNATIVES	CITATION	TYPE OF ARAR	RELATIONSHIP BETWEEN REQUIREMENT, CRITERIA, STANDARD AND/OR LIMIT AND ALTERNATIVE COMPONENT AND OTHER COMMENTS
FEDERAL					
<i>NONE IDENTIFIED</i>					
WISCONSIN					
All Groundwater Alternatives	Groundwater Monitor Well Requirements	Alternatives 2-4	Wis. Stat. § 281: Water and Sewage	Applicable	Groundwater monitoring is required to demonstrate the effectiveness of any groundwater remedy on reducing concentrations of MGP COCs.
			Wis. Admin. § NR 141: Groundwater Monitor Well Requirements	Applicable	
In-Situ Chemical or Thermal Treatment	Air Emissions Requirements, Criteria, Limitations	Alternatives 2-4	Wis. Stat. § 285: Air Pollution	Applicable	Air Emission requirements, criteria and limitations will be applicable during remediation activities that generate vapors during injection, vapor recovery, and/or treatment of pumped groundwater.
			Wis. Admin. § 415- Control of Particulate Emissions	Applicable	
			Wis. Admin. § 419 - Control of Organic Compound Emissions	Applicable	
			Wis. Admin. § 429.03 - Malodorous Emissions and Open Burning	Applicable	
			Wis. Admin. § 43 1 - Control of Visible Emissions	Applicable	
Wis. Admin. § 445 - Control of Hazardous Pollutants	Applicable				
In-Situ Chemical Treatment In-Situ Enhanced Bioremediation	Injection Well Requirements	Alternative 3-4	Wis. Stat. § 281: Water and Sewage	Applicable	Substantive requirements of the injection well regulation are applicable for in-situ chemical treatment via injection of fluids.
			Wis. Admin. § NR 815: Injection Wells	Applicable	
			Wis. Admin. § NR 140: Groundwater Quality	Applicable	

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Sediment Action-Specific ARARs

MEDIA	REQUIREMENT, CRITERIA, STANDARD, LIMIT	RELEVANT ALTERNATIVES	CITATION	TYPE OF ARAR	RELATIONSHIP BETWEEN REQUIREMENT, CRITERIA, STANDARD AND/OR LIMIT AND ALTERNATIVE COMPONENT AND OTHER COMMENTS
FEDERAL					
<i>NONE IDENTIFIED</i>					
WISCONSIN					
All Groundwater Alternatives	Groundwater Monitor Well Requirements	Alternatives 3-4	Wis. Stat. § 281: Water and Sewage	Applicable	Monitoring of existing reactive core barrier, rip rap, and sand cover includes groundwater monitoring of adjacent monitor wells and visual monitoring of surface water for sheens
			Wis. Admin. § NR 141: Groundwater Monitor Well Requirements	Applicable	

All Media Action-Specific ARARs

MEDIA	REQUIREMENT, CRITERIA, STANDARD, LIMIT	RELEVANT ALTERNATIVES	CITATION	TYPE OF ARAR	RELATIONSHIP BETWEEN REQUIREMENT, CRITERIA, STANDARD AND/OR LIMIT AND ALTERNATIVE COMPONENT AND OTHER COMMENTS
FEDERAL					
<i>NONE IDENTIFIED</i>					
WISCONSIN					
All Media – Chemical Specific	Laboratory Certification Requirement	Alternatives 2-4	Wis. Admin. § NR 149: Laboratory Certification and Registration Wis. Admin. § NR 299.01(4): Water Quality Certification	Applicable	Applicable. Any sampling during design and implementation must meet these requirements
Remediation Standards, Requirements, and Initiatives	Remedy selection, design, implementation and operation and maintenance requirements	Alternatives 2-4	Wis. Admin. § NR 724: Remedial and Interim Action Design, Implementation, Operation, Maintenance and Monitoring Requirements	Applicable	Applicable. The remedial action documents provide standards and requirements for remediation of contamination sites in Wisconsin. NR 722 is very similar to the NCP for remedy evaluation and selection.

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Other Non-ARAR Requirements (Full Compliance is Required)

ALTERNATIVE COMPONENT	REQUIREMENT, CRITERIA, STANDARD, LIMIT	RELEVANT ALTERNATIVES	CITATION	Relationship between requirement, criteria, standard and/or limit and Alternative Component and other Comments
FEDERAL				
<i>NONE IDENTIFIED</i>				
WISCONSIN				
Institutional Controls – any media	Continuing Obligation (CO) Requirements	Alternatives 2-4	Wis. Admin. § NR 725 and 726	Should WI CO responsibilities be used as additional ICs, then the rule requirements are applicable. To be enforceable, WDNR must issue an approval of a remedial action type plan with enforceable requirements for the continuing obligations. Enforcing COs at properties not controlled by the RP could be an issue.

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To Be Considered Standards, Guidance, and Initiatives

STANDARD , GUIDELINE,	RELEVANT ALTERNATIVES	CITATION	Relationship between TBC and Alternative Component
FEDERAL			
<i>NONE IDENTIFIED</i>			
WISCONSIN			
Soil Cleanup Standards	Alternatives 2-4	WDNR Guidance Document: "Soil Residual Contaminant Level Determinations Using the U.S. EPA Regional Screening Level Web Calculator" (WDNR PUBL-WR-890, January 23, 2014) WDNR Guidance Document: "RR Program's RCL Spreadsheet Update" (WDNR-RR-052c, December 2015)	These documents provide guidance on applying the U.S. EPA Screening Level Web Calculator to Wisconsin soils to calculate soil cleanup standards.
Air Management Guidelines Community Involvement	Alternatives 2-4	Wisconsin Bureau of Environmental and Occupational Health, Department of Health and Family Services: "Health-based Guidelines for Air Management and Community Involvement During Former Manufactured Gas Plant Clean-ups" (March 23, 2014)	This document provides guidance on developing Air Management Plans to protect human health during remedial activities at MGP sites in Wisconsin.
Soil Cover Guidance	Alternatives 2-4	WDNR Guidance Document: "Guidance for Cover Systems as Soil Performance Standard Remedies" (WDNR PUBL-RR-709, October 2013)	This document provides guidance on cover systems and soil performance standard remedies.
Remediation Standards, Requirements, and Initiatives	Alternatives 2-4	Wisconsin's Initiative for Sustainable Remediation and Redevelopment in the State of Wisconsin, A Practical Guide to Green and Sustainable Remediation in the State of Wisconsin. (WDNR Pub-RR-911, January 2012)	The Guide to Green and Sustainable Remediation provides guidance on implementing the US. EPA's Superfund Green Remediation Strategy (September 2010) at cleanup sites in Wisconsin.
Sediment Quality Guidelines	Alternatives 2-4	WDNR Guidance Document: "Wisconsin Consensus-Based Sediment Quality Guidelines (WDNR PUBL-WT-732, December 2003)	This document provides guidelines on developing sediment cleanup levels that are protective of benthic macroinvertebrate species.
Vapor Intrusion Guidance	Alternatives 2-4	WDNR Guidance Document: "Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin" (WDNR PUBL-RR-800, December 2010). WDNR Guidance Document: "Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin" (WDNR PUBL-RR-800) Update (July 2012) WDNR Guidance Document: "Sub-slab Vapor Sampling Procedures" (WDNR PUBL-RR-986, July 2014).	These documents provide guidance on the investigation and remediation of the vapor intrusion pathway at contamination sites in Wisconsin and the basis for calculating Indoor Air Vapor Action Levels and Vapor Risk Screening Levels. Also provided is guidance on how vapor intrusion is addressed through continuing obligations applied at case closure at contaminated sites in Wisconsin.
Institutional Controls (Continuing Obligations) Requirements	Alternatives 2-4	WDNR Guidance Document: "Guidance on Case Closure and the Requirements for Managing Continuing Obligations" (WDNR PUBL-RR- 606, April 2014); WDNR Guidance Document: "DNR Case Closure Continuing Obligations: Vapor Intrusion" (WDNR PUBL-RR-042, Aug 2015)	These documents provide guidance on which vapor intrusion continuing obligations should be selected when preparing for case closure.

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Acronyms

ARARs: Applicable or Relevant and Appropriate Requirements

CO: Continuing Obligation

WDNR: Wisconsin Department of Natural Resources

MGP COCs: Manufactured Gas Plant Compounds of Concern

Wis. Stat.: Wisconsin Statute

Wis. Admin: Wisconsin Administrative Code

[WPDES: Wisconsin Pollution Discharge Elimination System](#)

DRAFT