



January 9, 2015

Kathy Halbur
USEPA Region 5
2984 Shawano Avenue
Green Bay, WI 54313

Subject: USEPA Removal Action ARARs for Aniwa Arsenic Site, Aniwa, WI 54414

Dear Ms. Halbur:

The purpose of this letter is to provide you with an identification of applicable or relevant and appropriate requirements (ARARs) for actions proposed at the Aniwa Arsenic Site, Aniwa Township, Wisconsin. The property is a former arsenic pesticide storage and disposal facility with elevated arsenic and lead concentrations in soil and groundwater. Based on the information provided, we have identified the following WDNR standards. The WDNR Administrative Codes are available on the internet at: <http://docs.legis.wisconsin.gov/code/toc/nr>. If there are activities that are not covered in the Action Memo or proposed scope of work reviewed to prepare this document, additional ARARs may apply.

The list of proposed actions states that the time-critical or non-time critical emergency response action includes the following (the information listed below is taken directly from EPA's letter dated January 6, 2015):

- a) Develop and implement a Site-specific Health and Safety Plan, an Air Monitoring Plan, an Emergency Contingency Plan, and a Site Security Plan;
- b) Conduct test trenching and field screening to identify the location and source of residual arsenic pesticide remaining at the Site;
- c) Excavate and properly dispose of abandoned pesticide materials and associated containers buried at the Site as well as surface soils and subsurface soils that exceed the Arsenic Removal Management Level (RML) for residential soils (67 ppm);
- d) Collect and properly dispose of contaminated groundwater generated during excavation activities;
- e) Backfill excavated area with clean material;
- f) Restore excavation area with vegetative cover;
- g) Design and install a water treatment system (e.g., Reverse Osmosis Point of Entry system) for any residences that EPA finds have been affected by groundwater contamination from the site such as arsenic concentrations exceed the Arsenic Maximum Contaminant Level (MCL), 0.010 ppm, in the near future; and
- h) Perform any other actions to investigate and address contamination on the property that EPA may determine to be necessary.

Site specific information. It is understood that USEPA Removal Branch can only take action in situations that pose an imminent and substantial endangerment to human health, welfare or the environment. Therefore, actions will not, in most cases, be remedial actions to allow for site closure. USEPA should

provide all analytical data to WDNR so that if further action is warranted, WDNR is aware of what concerns remain at the site.

Additional ARARs have been identified for wastewater, hazardous waste management, non-hazardous waste disposal, air management, soil, and groundwater quality, water treatment, green and sustainable remediation, and public information and participation.

A. Wastewater Standards

We assume that you may be generating wastewater from decontamination, and waste treatment activities. If such wastewater is generated, and you plan to discharge it to surface water or groundwater, the requirements of our Industrial Wastewater Program would apply. You would have to identify the point of discharge and the contaminants present, and request effluent discharge limits. These requirements would apply to a discharge to any existing wastewater or sanitary system at the site.

If you plan to discharge wastewater to a sewage treatment facility, then you would have to meet any substantive pretreatment ordinances and ch. NR 211, Wis. Adm. Code. You would also need permission from the sewage treatment facility owners.

If wastewater is to be hauled from the site to a sewage treatment facility or any other type of management facility, and that wastewater is a characteristic hazardous waste, then the hazardous waste generator requirements outlined below would apply. If the wastewater is not characteristic hazardous waste, then the transporter requirements contained in ch. NR 502.06, Wis. Adm. Code would apply.

B. Hazardous Waste Management Standards

1. Process Wastes

You plan on staging waste on-site. You then intend to ship the waste to a facility for subsequent management/disposal.

We understand that some of the waste to be managed at the site may be characteristic hazardous waste (TCLP toxicity for metals or organics, or ignitability). Any TCLP toxic waste that can be treated so it no longer displays the characteristic would also have to meet the applicable hazardous waste land disposal restrictions treatment standards in s. NR 668.40 or 668.49, Wis. Adm. Code, which apply at the initial point of generation and the special rules for characteristic wastes in s. NR 668.09, Wis. Adm. Code.

Any listed hazardous waste would always be subject to hazardous waste management requirements, unless it was delisted by the U.S. EPA RCRA program. The hazardous waste requirements also apply to the generation and management of reactivity and corrosivity characteristic hazardous wastes.

The hazardous waste generator requirements in ch. NR 662, Wis. Adm. Code, including pre-transportation and manifesting requirements, would apply to any hazardous waste, hazardous waste water and hazardous wastewater treatment residuals generated and accumulated on-site for less than 90 days in containers, tanks or containment buildings. There are exclusions from hazardous waste treatment, storage and disposal facility standards and licensing for the wastewater treatment units in ss. NR 664.0001(7)(f) & 670.001(3)(b)5., Wis. Adm. Code. There are exclusions from those same standards and licensing for certain immediate response hazardous waste treatment and containment activities in ss. NR 664.0001(7)(h) and 670.001(3)(c).

More than 90-day on-site storage of hazardous waste in containers may be subject to the general and container facility standards in subchs. A through I, S and CC of ch. NR 664.

More than 90-day on-site storage or treatment of hazardous waste in tanks may be subject to the general and tank facility standards in subchs. A through H, J, S and CC of ch. NR 664.

Any storage or treatment of hazardous waste in piles may be subject to the general and waste pile facility standards in subchs. A through H, L, and S of ch. NR 664

2. Contaminated Media

In general, there is significantly more flexibility on how contaminated media (i.e. soil and groundwater) are managed. We recommend that you review the document entitled: "Guidance for Hazardous Waste Remediation" available at <http://dnr.wi.gov/files/PDF/pubs/rr/RR705.pdf> for specific information on the options available.

C. Non-Hazardous Waste Disposal

All other solid wastes not identified as hazardous waste under s. NR 661.03, Wis. Adm. Code, are solid wastes (non-hazardous). Less than 6 months storage of excavated non-hazardous contaminated soils is covered under s. NR 718.05, Wis. Adm. Code, provided that the volume of soil stored does not exceed 2,500 yd³. If the volume of non-hazardous contaminated soil to be stored exceeds 2,500 yd³, the soil will be stored for more than 6 months, or the facility is already licensed for solid waste storage, s. NR 502.05, Wis. Adm. Code, pertains. Transportation of non-hazardous contaminated soils is covered under s. NR 502.06, Wis. Adm. Code.

Disposal of non-hazardous contaminated soils is regulated under the solid waste series, chs. NR 500-538, Wis. Adm. Code. Generally, the plan of operation for the landfill accepting the waste would have to include that waste. The landfill operator would have to agree to accept the soils, and all requirements for waste characterization would have to be met.

In general, wastes containing PCBs, including contaminated media that contains concentrations of PCBs below 50 ppm may be managed at an approved solid waste facility in Wisconsin that has received approval in from our Agency to receive such wastes. Wastes containing PCBs, including contaminated media that contains concentrations of PCBs above 50 ppm and below 500 ppm may be managed at an approved solid waste facility in Wisconsin that has received a special approval from our Agency to receive such wastes, in addition to any required TSCA approvals. There are no facilities in Wisconsin approved to accept wastes containing PCBs, including contaminated media that contains concentrations of PCBs above 500 PPM; they would have to be managed out of state at a TSCA approved facility.

D. Air Management Standards

Chapter NR 445, Wis. Adm. Code, is applicable to any toxic substances discharged as a result of material disturbance or transportation. Additional applicable standards include: the primary and secondary ambient air quality standards in ch. NR 404, Wis. Adm. Code, the fugitive dust requirement of ch. NR415, Wis. Adm. Code, the malodorous emissions of ch. NR 429, Wis. Adm. Code, the visible emissions standards of ch. NR 431, Wis. Adm. Code and the inspections, testing and compliance determination standards of ch. NR 439, Wis. Adm. Code.

Any dust or emissions from treatment systems must meet the ambient air standards for particulates in ch. NR 404, Wis. Adm. Code, fugitive dust standards in ch. NR 415, Wis. Adm. Code, control of organic compound emissions in ch. NR 419, control of hazardous pollutant emissions in ch. NR 445, and visible emissions standards in ch. NR 431, Wis. Adm. Code.

E. Soil and Groundwater Quality Standards

NR 720 outlines procedures to be used to determine the residual contaminant levels or performance standards for each exposure or migration pathway of concern, and for each soil contaminant of concern at this site.

These standards apply to the removal of contaminated soils during the removal action. The State of Wisconsin has promulgated soil cleanup standards in ch. NR 720, Wis. Adm. Code. The contaminants found in soils at the site currently include arsenic and lead. These contaminants may also be released to surface soils during waste management/removal activities associated with the removal action.

NR 720.09, 720.11 and 720.19 identify the criteria, methods and a process for determining generic residual contaminant levels for organic or inorganic chemicals that are protective of human health by direct contact and protective of groundwater. **This applies to all soils regardless of depth.** WDNR understands that the removal actions proposed at this time do not intend to provide permanent protection of groundwater. **For all future removal activities, WDNR urges you to expand the removal of soils to meet these levels, if possible.**

Any contaminated soils that are proposed to be replaced on the site must meet the disposal facility requirements in the ch. NR 500, Wis. Adm. Code, series (described above for A.2. and 3.) or fall under the exemption in s. NR 718.11(2)(b), Wis. Adm. Code. This section requires that specific testing and location standards be met and the contaminant levels in the soil to be at background levels or the residual contaminant levels listed in NR 720.11, or calculated using NR 720 procedures.

NR 140 addresses the public health groundwater quality standards.

F. Water Treatment Systems

Any systems utilized to treat water for potable use in a private or noncommunity water system except for disinfection treatment, batch chlorination, or acidification must meet the standards in s. NR 812.37, Wis. Adm. Code.

G. Green and Sustainable Remediation

We ask, to the extent practicable, that you implement sustainable remediation practices at this site by following the Wisconsin's Initiative for Sustainable Remediation and Redevelopment (WISRR) Green and Sustainable Remediation Manual:

<http://dnr.wi.gov/files/PDF/pubs/rr/RR911.pdf>

H. Public Information and Participation

Chapter NR 714.07, Wis. Adm. Code requires that the general public be made aware of any hazardous wastes or conditions, investigation and remediation at a site. WDNR understands there is a public information and participation process outlined in the NCP that will be followed as appropriate.

Should you have any questions regarding this letter, please contact Mr. Tauren Beggs at (920) 662-5178, the Federal Removals Coordinator, Jason Lowery, at (608) 267-757, or Gary Edelstein at (608) 267-7563.

Sincerely,



Jason Lowery
Federal Removal Coordinator
Bureau for Remediation and Redevelopment

Cc: Tauren Beggs – NER (electronic copy)
Gary Edelstein – RR/5 (electronic copy)