

State Identified Alert Aircraft Area Interim Remedial Action State ARARs

Regulation ¹	ARAR Status	Requirement	Analysis
<p>Part 31 - Water Resources Protection</p> <p>Mich. Comp. Laws 324.3106, 3109; 3110; 3112(1), (3).</p> <p>Part 21 Rules, Wastewater discharge permits (as the source of authority for discharge limits)– R. 323.2103- 2104, 2137, 2140, 2142, 2149, 2154, 2159,</p> <p>Part 22 Rules, Groundwater Quality, Mich Admin Code, R 323.2204(2)(a) and (f), and R 323.2223(1)-(4)</p>	<p>Chemical Specific <input checked="" type="checkbox"/> Applicable</p> <p>Action Specific <input checked="" type="checkbox"/> Applicable and Relevant and Appropriate</p> <p>Location Specific <input type="checkbox"/></p>	<p>Part 31 prohibits direct or indirect discharge to waters of the state that are or may become injurious to the environment or public health.</p> <p>Defines effluent and discharge guidelines based on actual water quality, receiving stream properties, and other appropriate water quality criteria. Provides criteria and standards for discharges to groundwater.</p> <p>The daily discharge limitations for PFOS, PFOA, and PFBS were derived by EGLE under the authority of the Part 21 rules that apply to the discharge or waste or waste effluent, using best professional judgment in the absence of federal effluent limit guidelines, as allowed by law.² To the extent that any of the Part 21 rules sections cited include administrative or fee requirements, those are not ARARs. The daily limits are: PFOS Maximum Daily Limit: 15 ng/l PFOA Maximum Daily Limit: 40 ng/l PFBS Maximum Daily Limit: 250 ng/l [no daily limit is applied to PFHxS or PFNA, which are subject to the monthly limits only]</p> <p>The monthly discharge limitations on PFOA, PFHxS, and PFNA identified pursuant to the Part 22 Rules, including Rule 323.2204, for discharges to groundwater are the Part 201³ groundwater used as drinking water residential and nonresidential criteria, which are: PFOA Maximum Monthly Limit: 8 ng/l PFHxS Maximum Monthly Limit: 51 ng/l PFNA Maximum Monthly Limit: 6 ng/l [no monthly limit is applied to PFOS or PFBS, which are subject to the daily limits only]</p> <p>Rule 1098 (antidegradation): compliance with the discharge limits will ensure that the requirements of Rule 1098 are met.</p> <p>Rule 323.2223(1)-(4) lists requirements for designing, constructing, monitoring and abandoning groundwater monitoring wells. Substantive requirements are cited as ARARs.</p>	<p>Substantive requirements of a permit to discharge are applicable to any discharge to waters of the state as defined in Part 31, including the expected discharge to the infiltration gallery anticipated to be implemented as part of this interim remedy. (Action-specific)</p> <p>Discharges to the infiltration gallery must comply with Part 31 substantive requirements for the relevant contaminants, which for the Alert Aircraft Area IRA are the limits set pursuant to the identified Part 31 implementing rules for PFOS, PFOA PFBS, PFHxS, and PFNA that apply to discharges from the Alert Aircraft Area Treatment System to groundwater. (Chemical-specific)</p> <p>Substantive requirements of state discharge permits (including storm water permits) must be attained for remedial actions taking place on site.</p> <p>If the AAA IRA project scope changes or if unexpected site conditions arise, other sections of Part 31 and other applicable Rules may apply.</p> <p>Rule 323.2223 applies to groundwater discharge monitoring. The IRA shall comply with the substantive requirements. A monitoring plan will be developed as part of the remedial design phase of the IRA.</p>

¹ Based on assurances from the USAF, EGLE has largely removed the definitional and legislative purpose provisions from its list of identified ARARs. This is based on the understanding that if a provision that has been identified as an ARAR requires interpretation or reference to definitions or purpose language, the USAF and the State of Michigan will apply the relevant definitions from the relevant statutes and regulations, and will refer to the purpose statements, as needed.

² Pursuant to the best professional judgment guidelines, EGLE has established generally applicable treatment technology-based effluent limits (TTBEL) standards that apply across the State of Michigan for permits and documents setting discharge limits for remedial sites.

³ Part 201 is not identified as an ARAR for this interim remedial action based on the specific nature of the treatment action proposed; the State maintains that Part 201 cleanup criteria will be applicable as groundwater cleanup standards for a final remedy at Wurtsmith and will be identified by the State for the final remedy.

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NREPA, Part 55 - Air Pollution Control Mich. Admin. Code, R. 336.1372(8)(b)	Chemical Specific <input type="checkbox"/> Action Specific <input checked="" type="checkbox"/> Relevant and Appropriate Location Specific <input type="checkbox"/>	Prohibits operation of a source that emits air pollutants that are or can become injurious to human health or welfare, to animal life, to plant life, or to property, or that interfere with the enjoyment of life and property unless authorized under the statute and rules. Rules prohibit the emission of fugitive dust from certain construction, renovation, or demolition activities in quantities which cause injurious effects to human health, animal life, plant life, or significant economic value, and/or property. Establishes common measures to mitigate the generation of fugitive dust during construction work.	The Part 55 rules apply to remedial alternatives that generate air emissions (e.g., fumes, gas, mist, odor, equipment emissions and dust from excavation, soil stabilization, or compaction). Air emissions must comply with substantive requirements of permits and monitoring would be required. The restrictions on fugitive dust emissions at R 336.1372(8)(b) are relevant and appropriate for remedial actions where contaminated soil may become airborne during construction, renovation or demolition activities that would generate fugitive dust and air emissions at trigger levels. Onsite CERCLA actions are exempt from administrative requirements such as administrative reviews and permitting; however, for certain remedial alternatives, air emissions must comply with substantive requirements and monitoring may be required.
NREPA, Part 91 - Soil Erosion and Sediment Control Mich. Comp. Laws 324.9112(1) & (2), 9116 Mich. Admin. Code, Rules R 323.1702, R 1703, R 1704, R 1708, R 1709, R 1710	Chemical Specific <input type="checkbox"/> Action Specific <input checked="" type="checkbox"/> Applicable or Relevant and Appropriate Location Specific <input checked="" type="checkbox"/> Applicable or Relevant and Appropriate	Establishes rules for the control of soil erosion and sedimentation during earth-change operations	Relevant and appropriate to the excavation of contaminated soil. Applicable if more than 1 acre will be disturbed or for any disturbance within 500 feet of the water's edge of a lake or stream, or if an earth change activity otherwise would cause or result in violation of substantive provisions of Part 91. Onsite CERCLA actions are exempt from administrative requirements such as administrative reviews and permitting; however, the substantive requirements must be met.
NREPA, Part 111- Hazardous Waste Management Mich. Comp. Laws 324.11105, 11123, 11128, 11135, 11138 Mich. Admin. Code, Rules: R 299.9212 characteristics of hazardous waste R 299.9216-7 methods/identification of hazardous wastes R 299.9302 hazardous waste determination R 299.9305 pre-transport requirements R 299.9306 Accumulation time R 299.9309 manifest requirements R 299.9310 pre-transport requirements (onsite)	Chemical Specific <input type="checkbox"/> Action Specific <input checked="" type="checkbox"/> Applicable Location Specific <input type="checkbox"/>	Prohibits generation, disposal, storage, treatment, or transport of hazardous waste except in compliance with Part. Establishes requirements for hazardous waste generators, transporters, and treatment/storage/disposal facilities. Administrative rules define hazardous waste based on analytical procedures, usage, and process of generation Pre-transport regulations (299.9305) establish minimum standards for preparing hazardous waste for shipment offsite and will only apply if hazardous waste is generated as part of the IRA. Accumulation time regs (299.9306) establish minimum standards for managing hazardous wastes onsite. The requirements of 40 CFR Part 265 are incorporated by reference. R. 299.9306 will only apply if hazardous waste is generated as part of the IRA Manifest requirements for generated wastes being shipped if necessary to arrange for transportation to appropriate facility. R 299.9309 and R 299.9310 will only apply if hazardous waste is generated as part of the IRA	Remedial activities may generate waste material that may be classified as hazardous waste as part of IRA. Used for characterizing and identifying hazardous wastes and determining appropriate disposal options. Haz waste determination (299.9302) is applicable to all wastes managed on site. Used for characterizing and identifying hazardous wastes and determining appropriate disposal options. Determining whether wastes qualify as hazardous will often establish the applicability of other regulations. The permit and fee provisions of MCL 324.11123 and 11135 are not ARARs; only the substantive provisions of these sections (prohibited actions involving hazardous wastes and manifest requirements) apply if hazardous waste is generated as part of the IRA. Pre-transport requirements are applicable if hazardous waste is generated and managed onsite prior to offsite shipment and disposal. Accumulation time regs are applicable if hazardous waste is generated and managed onsite prior to offsite shipment and disposal

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NREPA, Part 413, Invasive Species Mich. Comp. Laws 324. 41301 and 324.41305	Chemical Specific <input type="checkbox"/> Action Specific <input checked="" type="checkbox"/> Potentially Relevant and Appropriate Location Specific <input type="checkbox"/>	Lists nonnative species that are prohibited or restricted in Michigan; prohibits possession or introduction of listed species unless authorized under Part.	Any remedial actions should not introduce a listed prohibited or restricted species, a genetically engineered or nonnative bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant in this state at any specific location where the organism is not already naturalized, unless otherwise allowed by Part 413. Would not be considered an ARAR unless federal invasive species standards are less stringent.