



**DEPARTMENT OF THE AIR FORCE**  
**AIR FORCE CIVIL ENGINEER CENTER**  
**JOINT BASE SAN ANTONIO LACKLAND TEXAS**

6 Aug 2020

AFCEC/CIBE  
Air Force Civil Engineer Center  
BRAC Program Management Division  
Bldg. 1, 3515 South General McMullin Ave.  
San Antonio, Texas 78226

Ms. Beth Place  
Michigan Department of Environment, Great Lakes, and Energy  
Constitution Hall, 4th Floor South  
525 West Allegan Street  
Lansing, MI 48933

**Subject:** Identification of State Applicable or Relevant and Appropriate Requirements (ARARs),  
Former Wurtsmith Air Force Base, Oscoda, Michigan

Dear Ms. Place:

As you are aware, on 14 July 2020 the Air Force awarded a contract to complete a perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) remedial investigation (RI) at former Wurtsmith AFB. As such, the Air Force will be initiating scoping meetings with the Michigan Department of Environment, Great Lakes, and Energy (EGLE) with regards to the proposed path forward for both the RI and interim remedial actions planned for completion as part of the RI. A key component of the scoping process for the RI is the initial identification of ARARs.

Section 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires that on-site remedial actions attain or waive federal environmental ARARs, or more stringent state environmental ARARs, upon completion of the remedial action. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR Part 300) also requires compliance with ARARs during removal and remedial actions to the extent practicable. The NCP at 40 CFR §300.400(g) describes the process the lead and support agencies will follow to identify ARARs and notify each other of those ARARs. Before a state standard can be analyzed to determine whether it is applicable or relevant and appropriate under §300.400(g)(1) or (2), a state standard must meet the threshold in 40 CFR §300.400(g)(4): “Only those state standards that are promulgated, are identified by the state in a timely manner, and are more stringent than federal requirements may be applicable or relevant and appropriate. For purposes of identification and notification of promulgated state standards, the term *promulgated* means that the standards are of general applicability and are legally enforceable” (emphasis in original). In addition to ARARs, the lead and support agencies may, as appropriate, identify other advisories, criteria, or guidance to be considered (TBC) that may be useful in developing CERCLA remedies.

Subsection 300.400(g)(5) repeats the requirement that the lead and support agencies must identify in a timely manner the specific requirements they think qualify as ARARs. That subsection also requires that the lead and support agencies include a citation to the statute or regulation from which the

requirement is derived. Simply providing a broad reference to a statutory or regulatory chapter or part (e.g., “the Clean Water Act” or “Part 201”) is not sufficient to inform the other agency of the authority for the requirement being proposed. The citation must be specific (e.g., “Michigan Administrative Code R299.6(1)”).

In accordance with the requirements of the NCP, the Air Force requests that EGLE provide the Air Force with a written list of potential ARARs and TBCs for the Wurtsmith RI within 45 calendar days of the date of this letter. The Air Force recognizes that EGLE will undoubtedly need to amend this ARARs list as the parties move through the FS process and on toward the final ARARs list that will be incorporated into the record of decision.

Please feel free to contact me at 210-395-9492 or [david.gibson.2@us.af.mil](mailto:david.gibson.2@us.af.mil) if you have any questions regarding this request.

Sincerely,

DAVID P. GIBSON JR., GS13, DAF  
Program Manager  
BRAC Program Management Division

cc: Mr. Mike Neller, EGLE (e-copy)  
Mr. Stephen TerMaath, AFCEC/CIBE (e-copy)  
Mr. Val De La Fuente, AFCEC/CIBE (e-copy)  
Ms. Sharon Vriesenga, JAOE-FSC (e-copy)