



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Michael R. Pence
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

March 17, 2015

Mr. Jacob Hassan
U.S. EPA, Region V
77 West Jackson Blvd.
Chicago, IL 60604-3507
Mail Code: SE-5J

Dear Mr. Hassan:

Re: Applicable or Relevant and
Appropriate Requirements (ARARs),
Town of Pines Arsenic Removal Action Site
Pines, Indiana

In accordance with your request in a letter dated March 16, 2015, Indiana Department of Environmental Management (IDEM) staff have determined the State's ARARs for the removal action at the Town of Pines Arsenic Site in Pines, Indiana based on the following potential activities to be performed:

- Perform soil sampling and analysis to determine which yards will require remediation;
- Excavate site soils exceeding the soil clean-up criteria to the necessary depth for off-site disposal;
- Transport and dispose off-site those soils excavated from the site;
- Place clean soil in yards requiring remediation, such that the original grades of the yards are restored, and then re-vegetate the yards.

IDEM staff recognize this list includes only potential activities, and that the site may require one or a combination of these activities to complete an action that is protective of human health and the environment. The following is a list of ARARs identified by IDEM as pertinent to the aforementioned removal action activities proposed by U.S. EPA:

Action Specific:

1. Pursuant to 326 IAC 6-4-2(4), visible fugitive dust must not cross an adjacent property line.
2. Pursuant to 326 IAC 6-4-4, any vehicle driven on any public right of way must not allow its contents to escape and form fugitive dust.

Chemical Specific:

1. 329 IAC 3.1 regulates the management of hazardous wastes. Indiana rule 329 IAC 3.1-1-1 adopts RCRA regulations of 40 CFR 260 through 40 CFR 270. More specifically:

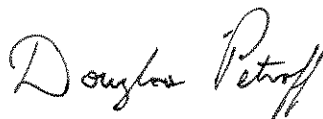
- 40 CFR 262.11 (329 IAC 3.1-6) requires that a proper hazardous waste determination must be made on all wastes generated from remedial actions.
- All hazardous waste must be properly packaged, with labels, markings and placards, prior to transport (40 CFR 262.30, 262.31, 262.32, and 262.33)(329 IAC 3.1-7 and 329 IAC 3.1-8).
- Hazardous waste stored onsite in containers for 90 days or less shall be managed in accordance with the standards of 40 CFR 265, Subpart I (329 IAC 3.1-10). Hazardous waste stored onsite in containers for greater than 90 days shall be managed in accordance with 40 CFR 264, Subpart I (329 IAC 3.1-9).
- 40 CFR 261, Subpart B requires that hazardous waste must be manifested as such for transport to a permitted treatment, storage, or disposal facility (TSDF) in accordance with 40 CFR 262, Subpart B (329 IAC 3.1-7 and 329 IAC 3.1-8).
- For all hazardous waste related equipment, remove or decontaminate all hazardous waste residues, contaminated containment components, contaminated soils, and structures and equipment contaminated with waste, and manage them as hazardous waste unless 40 CFR 261.3(d) applies.
- Any excavated contaminated soils must not be placed back on the ground so as to create a waste pile as defined in 40 CFR 264, Subpart L. Covered roll-offs may be used.

Mr. Jacob Hassan
Page 3

- Hazardous waste destined for land disposal (as defined in 40 CFR 268.2) must meet the applicable Land Disposal Restrictions of 40 CFR 268.
2. 329 IAC 10 regulates the management of solid wastes.
- 329 IAC 10-7.2-1 requires all wastes to undergo a waste determination, and if found to be nonhazardous, be disposed of in a permitted solid waste disposal facility.
3. 327 IAC 2-11 regulates groundwater quality impacts and would be relevant if private drinking water wells exist in the area of the removal action. More specifically:
- 327 IAC 2-11-2(e) states that no person shall cause the groundwater in a drinking water supply well to have a contaminant concentration that results in an exceedance of numeric criteria contained within the rule for drinking water class groundwater, creates a condition that is injurious to human health, creates an exceedance of specific indicator criteria levels contained within the rule, or renders the well unusable for normal domestic use.

Thank you for the opportunity to provide the State's ARARs. If you have any questions, or wish to discuss this matter further, please contact me at your convenience at (317) 234-7179.

Sincerely,



Douglas Petroff, Project Manager
Federal Programs Section
Office of Land Quality

DP:rr

cc: Rex Osborn, IDEM