INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We Protect Hoosiers and Our Environment.

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March 26, 2012

Ms. Shelly Lam
U.S. EPA, Region V
Emergency Response Branch
2525 N. Shadeland Avenue
Indianapolis, IN 46219

Dear Ms. Lam:

Re: Applicable or Relevant and Appropriate Requirements (ARARs), Kokomo Dump Site, Removal Action, Indianapolis, IN

In accordance with the request in your letter dated March 22, 2012, Indiana Department of Environmental Management (IDEM) staff have determined the State's ARARs for the Kokomo Dump site removal action based on the following potential activities:

- Determine the extent of buried drums and contamination in soil;
- Develop and implement a plan to control, contain, and remove drums and highly concentrated contaminated soil;
- Consolidate and package hazardous substances, pollutants and contaminants for transportation and off-site disposal in accordance with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

IDEM staff recognize this list includes only potential removal activities, and that the site may require one or a combination of several of actions to be protective of human health and the environment. The following is a list of ARARs identified by IDEM as pertinent to the aforementioned removal 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 requires a proper hazardous waste determination must be made on all wastes generated from removal actions including substances in containers, drums, pits, waste piles and tanks along with any decontamination washes or rinsates.

- 40 CFR 261, Subpart B requires that all hazardous waste must be properly packaged, with labels, markings and placards prior to transport (see also 40 CFR 262.30, 262.31, 262.32, and 263.33)

- 40 CFR 262.34 requires that hazardous waste containers shall not be accumulated on-site for greater than 90 days without a hazardous waste permit for storage.

- 40 CFR 261, Subpart B requires 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.

- Hazardous waste in containers shall be managed in accordance with the standards of 40 CFR 265, Subpart I.

- 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.

- For all hazardous waste related equipment, structures and pads, 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.

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 non-hazardous, be disposed of in a permitted solid waste disposal facility.

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 earliest convenience at (317) 234-0358.

Sincerely,

Stephanie Andrews, Senior Environmental Manager
Federal Programs Section
Office of Land Quality

SA:bl
cc: Rex Osborn, IDEM
Gabriele Hauer, IDEM

If you would like to provide IDEM with feedback on our job performance, please go to http://www.in.gov/idem/5681.htm and complete our "Remediation Program Customer Satisfaction Survey." Your responses are anonymous and we appreciate the feedback on what we are doing well, and what we need to improve.