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March 5, 2009

Mrs. Pamela J. Langston Scully, P.E.
Remedial Project Manager
Superfund Remedial Branch
Environmental Protection Agency – Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

RE: Identification of State Applicable or Relevant and Appropriate Requirements
Solutia Inc.
Anniston (Calhoun County), Alabama
USEPA ID No. ALD 004 019 048

Dear Mrs. Scully:

This is in response to your letter dated February 4, 2009, in which you requested that the Department notify EPA of any Applicable or Relevant and Appropriate Requirements (ARARs) of Alabama state environmental laws to which the pending remedial actions at the referenced site may be potentially subject.

First, according to ADEM Admin. Code r. 335-6-8-.03, all groundwater in the State of Alabama is considered a potential drinking water source. As such, since hazardous waste or hazardous waste constituents have contaminated the groundwater at the site, the Safe Drinking Water Act (SWDA) maximum contaminant levels (MCLs), the federal water quality criteria (FWQC), and the state's drinking water standards (found in ADEM Admin. Code rs. 335-7-2 and 335-7-3) are potential ARARs. Additionally, the remediation of this contamination would be subject to the regulations promulgated under the authority of the Alabama Water Pollution Control Act (AWPCA), Ala. Code §§22-22-1 to 22-22-14 (2006 Rplc. Vol.) and contained in ADEM Admin. Code div. 335-6, which was omitted from Table 4-2.

Secondly, the disposal of solid waste and the treatment, storage, disposal, transportation, and overall management of hazardous waste are subject to the requirements of the Solid Waste Disposal Act, Ala. Code §§22-27-7, 22-22A-5, and 22-22A-8, and the Alabama Hazardous Wastes Management and Minimization Act of 1978, Ala. Code §§ 22-30-1 to 22-30-24 (2006 Rplc. Vol.), and the regulations promulgated pursuant thereto, respectively. The implementation of these statutes are governed by the regulations promulgated under their authority, ADEM Admin. Code div. 335-13 (Solid Waste Program regulations) and 335-14 (Hazardous Waste Program regulations), respectively. Solutia Inc. is currently classified as a small quantity generator (SQG). As an SQG, the waste removal team should comply with the applicable waste identification, generator, and transporter requirements.



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Those requirements include, but are not limited to:

- Should the facility generate more than 1000 kilograms in a given month, the facility would at that time become a large quantity generator (LQG) in accordance with ADEM Admin. Code r. 335-14-1-.02(133). If this occurs, the facility would be required to meet the requirements of an LQG included in ADEM Admin. Code r. 335-14-3.
- ADEM Admin. Code r. 335-14-3-.01(2) requires a person who generates a solid waste, as defined in 335-14-.01(2), to determine if that waste is a hazardous waste.
- ADEM Admin. Code r. 335-14-3-.08(3) requires all generators (directly or through their authorized agents) identified in 335-14-3-.08(1) to submit an adequate notification, meeting the requirements of 335-14-3-.08(5)(a), to the Department prior to disposal of any waste stream at a disposal facility. A commercial hazardous waste disposal facility located in the State of Alabama may not dispose of wastes from any generator that has not submitted an adequate notification to the Department. [The Solid Waste Profile Sheet (ADEM Form 300) and the Disposal Approval Request (ADEM Form 278) are available on the Department's website, <http://www.adem.state.al.us/DeptForms/Formpdf.htm>. Ms. Lynn Roper (334-271-7728) and Ms. Heather Jones (334-271-7756) are the points of contact regarding solid/hazardous waste determinations and pre-approvals for disposal at in-state landfills.]
- ADEM Admin. Code r. 335-14-5-.09(9)(a) requires, at closure, all hazardous waste and hazardous waste residues to be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed. [The Department strongly recommends using the Alabama Risk Based Corrective Action Guidance Manual (ARBCA) tables to calculate chemical-specific cleanup goals for contaminated soil and drinking water at the site.]
- ADEM Admin. Code r. 335-14-5-.09(9)(b) states “[i]f the owner or operator cannot remove or decontaminate all waste required by Rule 335-14-5-.09(9)(a), then the owner or operator must close the container storage area and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills [Rule 335-14-5-.14(11)].”
- Should off-site transportation of hazardous wastes be necessary, the generator should ensure that the transporter requirements found in ADEM Admin. Code ch. 335-14-4 are met.

The Department would also like to address the inclusion of the ARBCA and the Alabama Investigation and Remediation Guidance Document in Table 4-3 (“To Be Considered” (TBCs) Summary Table). Although the Department understands that these documents are guidance, all facilities conducting investigation, remediation, and risk assessments in the State of Alabama are strongly encouraged to follow these guidelines. As such, please be aware that these standards will be used in the State's assessment of these activities for OU-3 of the Solutia Inc. facility.

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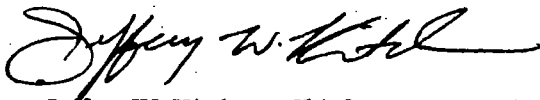
Lastly, should there be any emissions of air contaminants as a result of the remedial activities at Solutia Inc., they would be subject to the Alabama Air Pollution Control Act, Ala. Code §§22-28-1 to 22-28-23(2006 Rplc. Vol.), and the regulations promulgated pursuant thereto.

Applicable requirements of each of these State environmental statutes and their related regulations would be determined based on the specific actions proposed to be performed during the remedial actions. For example, specific State hazardous waste management requirements could likely be dependent on the types and characteristics of the wastes generated during the remedial actions.

As EPA further develops the scope of the activities to be conducted at the Solutia Inc. site and better characterizes the waste streams to be generated, the Department can better advise the Agency of the specific State regulatory requirements.

Should you have any questions concerning this matter, please contact Mrs. Kristen Alston of the Engineering Services Section at (334) 279-3055.

Sincerely,



Jeffery W. Kitchens, Chief
Industrial Hazardous Waste Branch
Land Division

JWK/ka/set

cc: Chip Crockett, Water Division
Larry Brown, Air Division
Gayle E. Macolly, Solutia Inc.
John Loper, The Loper Group
Gary Ellis, ADEM