



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



C. HEIDI GREYER
DIRECTOR

January 25, 2017

VIA E-MAIL

Mr. Jeffrey Lippert, On-Scene Coordinator
United States Environmental Protection Agency
Superfund Division
Region 5, Emergency Response Branch
9311 Groh Road
Grosse Ile, Michigan 48138

Dear Mr. Lippert:

SUBJECT: State of Michigan Applicable, Relevant, and Appropriate Requirements;
Electro-Plating Service, Inc.
945 East 10 Mile Road, Madison Heights, Michigan

Thank you for your January 13, 2017 letter requesting that the Department of Environmental Quality (DEQ), Waste Management and Radiological Protection Division (WMRPD) identify all State of Michigan Applicable, Relevant, and Appropriate Requirements (ARARs) for the proposed removal action at the subject facility.

The enclosed table provides a more refined listing of Michigan statutes and their promulgated rules that may represent chemical specific ARARs for the United States Environmental Protection Agency's proposed actions at the facility.

Should you need additional information, please feel free to contact me at 248-217-3080 or kecskemeti@michigan.gov.

Sincerely,

Tracy Kecskemeti
District Supervisor
Southeast Michigan District Office
Waste Management and Radiological
Protection Division
248-217-3080

Enclosures

cc: Ms. Polly Synk, DAG
Mr. Steve Sliver, MDEQ
Mr. John Craig, MDEQ
Mr. Lonnie Lee, MDEQ
Ms. Alexandra Clark, MDEQ

Michigan ARAR Table for Electro-Plating Service, Inc. - Madison Heights, Oakland County, Michigan

Chemical-Specific ARARs

Medium	Standard	Regulatory Citation	Comments
Groundwater/ Surface Water	<p align="center">Maximum Contaminant Levels</p> <p>Regulates all waters used or potentially used for drinking water. Adopts Federal Maximum Contaminant Levels as state drinking water standards. Ensures that acceptable concentrations of chemical constituents in groundwater do not exceed drinking water standards.</p>	<p>Michigan Safe Drinking Water Act Public Act 399 of 1976, as amended. (Michigan Compiled Laws (MCL) 325.1001) Michigan Admin Code R 325.10101, R 325.10601, <u>et. seq.</u></p> <p><i>Appropriate and Relevant</i></p>	<p>Applied when releases of hazardous substances may impact groundwater and/or surface waters used for private and/or public water supplies.</p>
Soil and sediment, groundwater	<p align="center">Generic Cleanup Criteria</p> <p>Part 201 generic criteria apply to exceedances except where site-specific criteria are developed; administrative rules apply to the development of criteria and set forth the promulgated criteria.</p>	<p>Michigan Natural Resources and Environmental Protection Act (NREPA), Part 201 (Environmental Remediation), MCL 324.20101-20142 Mich. Admin Code R 299.1-299.50</p> <p><i>Applicable</i></p>	<p>Establishes screening levels and generic cleanup criteria for soils in the state. Part 201 provides for the identification, risk assessment, evaluation, remediation, and long-term management of contaminated sites within the state. Part 201 provides that response actions shall be protective of human health, safety, welfare, and the environment of the state and identifies risk levels to be used in the development of those response actions. If Michigan's standards are more stringent than federal requirements these standards are applicable.</p>
Soil and sediment, groundwater	<p align="center">Site Specific Cleanup Criteria</p> <p>MCL 324.20120a and 324.20120b authorize development of site-specific cleanup criteria if such criteria, in comparison to generic criteria, better reflect best available information concerning the toxicity or exposure risk posed by the hazardous substance or other factors.</p>	<p>Michigan NREPA, Part 201 (Environmental Remediation), MCL 324.20101-20142.</p> <p><i>Applicable</i></p>	<p>If site-specific cleanup criteria are developed, the applicable cancer (1 in 100,000) and noncancer risk standards (HI=1) in Michigan's NREPA at MCL 324.20120a and 20120b can be more protective than EPA standards.</p>

Chemical-Specific ARARs (continued)

Medium	Standard	Regulatory Citation	Comments
Surface water	Water quality requirements for surface waters in the state. Part 4 Rules specify standards for all waters of the state, and require that all designated uses of the receiving water be protected, including aquatic life and wildlife. Part 8 Rules establish water quality-based effluent limits. Part 21 Rules establish NPDES discharge requirements. The Part 22 Rules set water quality rules applicable to discharges to groundwater. Applicable to response activities.	Michigan NREPA, Part 31 (Water Resources Protection), MCL 324.3101-3133; Mich. Admin Code R 323.1041-1117 (Part 4 Rules); R 323.1201-1221 (Part 8 Rules); R 323.2201-2240 (Part 22 Rules) Applicable	If the removal action involves any discharges to surface water, substantive requirements of permits to discharge apply. Standards are applicable to venting groundwater, storm water, and discharges associated with the removal action. Regulates discharges to waters of the State or onto the ground or groundwater if uses are potentially injured.
Soil and sediment; groundwater; air when vapor intrusion issues are present	The Guidance Document for Vapor Intrusion Pathway outlines an approach to demonstrate compliance when the generic criteria under Michigan NREPA, Part 201 (Environmental Remediation), are not protective or are not applicable because the assumptions in the model used to create the generic criteria do not reflect site conditions.	Guidance Document for the Vapor Intrusion Pathway dated May 2013. http://www.michigan.gov/documents/deq/deq-rrd-VIGuidanceDoc-May2013_422550_7.pdf To be considered	The Guidance Document for Vapor Intrusion Pathway provides guidance for investigations and response activities at sites with known vapor intrusion issues. The Guidance Document is not a regulatory requirement and is not enforced by legal authority; however, Michigan's Part 201 and Part 201 administrative rules identify the vapor intrusion pathway as one that must be addressed in response activities. This guidance addresses site-specific concerns and presents presumptive remedies that may be used to satisfy Part 201's requirements.
Waste	Used for characterizing and identifying hazardous wastes and determining appropriate treatment and disposal.	Michigan NREPA, Part 111 (Hazardous Waste Management), MCL 324.11101-11153; Mich Admin Code R 299.9101-11007; Michigan is a fully-authorized state for Resource Conservation and Recovery Act (RCRA) Subtitle C, therefore Part 111 of the NREPA needs to be identified as an ARAR. Applicable	Administrative Rules define hazardous waste based on analytical procedures, usage, and process of generation. Response activities will characterize, categorize and address hazardous waste.

Action-Specific ARARs

Action	Standard	Regulatory Citation	Comments
Preparation, transportation, storage, and disposal of hazardous waste off-site	Establishes requirements for handling hazardous waste.	Michigan NREPA, Part 111 (Hazardous Waste Management), MCL 324.11101-11153; Mich. Admin Code R 299.9101-11007; Michigan is a fully-authorized state for Resource Conservation and Recovery Act (RCRA) Subtitle C, therefore Part 111 of the NREPA needs to be identified in the Response Proposal as an ARAR. <i>Applicable</i>	Handling, preparation, transportation, and disposal of hazardous waste will be central to the removal action.
Transport of contaminated media	Establishes rules for transportation of hazardous materials.	Michigan Motor Carrier Safety Code, MCL 480.11-25 Michigan Hazardous Materials Transportation Act, MCL 29.471-480 <i>Applicable</i>	Used to protect the public, first responders to hazardous incidents and the environment from hazardous materials; compliance begins onsite
Transport of equipment, fill dirt, contaminated media, etc.	Establishes maximum axle loads during springtime frost periods and provides rules.	Michigan Vehicle Code, MCL 257.716-750 <i>Relevant and Appropriate</i>	Load limits and prohibitions during frost periods will apply to onsite transportation of heavy loads that may be necessary as part of the removal action.
Soil relocation	Requirements for movement of contaminated soils on-site or off-site.	Michigan NREPA, Part 201 (Environmental Remediation), MCL 324.20101-20142 – in particular MCL 324.20120c; Mich. Admin Code R 299.51001-51021 <i>Relevant and Appropriate</i>	Substantive requirements of soil relocation provisions apply to any movement of contaminated soils.
Requirements for discharges affecting groundwater	Establishes requirements for discharges of waters or waste to groundwater or to the ground.	Michigan NREPA, Part 31 (Water Resources Protection), MCL 324.3101-3134.; Mich Admin Code R 323.2201-2240 (Part 22 Rules) <i>Relevant and appropriate</i>	Substantive requirements would apply if removal action involves discharges of wastewater or wastes to groundwater or to the ground.

Action-Specific ARARs (continued)

Action	Standard	Regulatory Citation	Comments
Actions that involve planting or restoration activities	Lists nonnative species that are prohibited or restricted in Michigan; provides authority and procedures for the state Natural Resources Commission to add or delete from the list. Provides for a permit for introduction of genetically engineered organisms.	Michigan NREPA, Part 413 (Transgenic and Nonnative Organisms), MCL 324.41301-41325 <i>Relevant and appropriate</i>	For any proposed or required planting, the requirements of Part 413 will apply to the selection or introduction of plant species.
Actions that involve emissions or particulate matter (excavation)	Defines air quality standards for potential air emission sources. Prohibits the emissions of air contaminants in quantities that cause injurious effects to human health, animal life, plant life of significant economic value, and/or property or that interfere with the enjoyment of life or property in the state.	Michigan NREPA, Part 55 (Air Pollution Control), MCL 324.5501-5542; Mich Admin Code R 336.1301-1374 (Part 3 Rules – Emission Limitations and Prohibitions - Particulate Matter) <i>Relevant and appropriate</i>	If any onsite treatment technology involves combustion engines or other air emissions, then the substantive requirements of a permit will apply. Excavation activities that are potentially part of the removal action could generate air emissions, i.e., dust and particulate matter, which will necessitate monitoring and control.
Storage and handling of liquid industrial wastes	Imposes requirements on generators for storage, documentation, and handling for onsite liquid waste in preparation for transport, for the use of registered haulers, and for the inspection of vehicles and control of the disposal of wastes.	Michigan NREPA, Part 121 (Liquid Industrial By-products), MCL 324.12101-12118 <i>Applicable</i>	The removal action will require transportation and disposal of liquid industrial by-products, and the Part 121 requirements apply to the storage and transport of those by-products.

Action-Specific ARARs (continued)

Action	Standard	Regulatory Citation	Comments
Response activities that impact underground storage tanks	Regulates and provides for corrective action due to releases from leaking underground storage tank systems. Prescribes the powers and duties of certain state agencies and officials; and provides for penalties and remedies. Also regulates the inspection, abandonment, replacement and installation of underground storage tanks.	Michigan NREPA, Part 213 (Leaking Underground Storage Tanks), MCL 324.21301-21334 <i>Relevant and appropriate</i>	Substantive requirements will apply if removal action causes release or threat of release from underground storage tanks, if encountered.
Disposal of non-hazardous waste	Establishes rules for solid waste disposal.	Michigan NREPA, Part 115 (Solid Waste Management), MCL 324.11501 - 11550; Mich Admin Code R 299.4101-4122 <i>Applicable</i>	Non-hazardous wastes generated from removal actions, including but not limited to disposal of soils and sediments, are affected; the substantive requirements of permits and the terms of the applicable county solid waste management plans must be followed. Solid waste generated during the removal action must be disposed of in accordance with Part 115.

Location-Specific ARARs

Location	Standard	Regulatory Citation	Comments
Storm Sewer	<p>Water quality requirements for surface waters in the state. Part 4 Rules specify standards for all waters of the state, and require that all designated uses of the receiving water be protected, including aquatic life and wildlife. Part 8 Rules establish water quality-based effluent limits. Part 21 Rules establish NPDES discharge requirements. Part 22 Rules set water quality rules applicable to discharges to groundwater. Applicable to response activities.</p>	<p>Michigan NREPA, Part 31 (Water Resources Protection), MCL 324.3101-3133; Mich. Admin Code R 323.1041-1117 (Part 4 Rules); R 323.1201-1221 (Part 8 Rules); R 323.2201-2240 (Part 22 Rules)</p> <p>Applicable</p>	<p>If the removal action involves any discharges to surface water, substantive requirements of permits to discharge apply. Standards are applicable to venting groundwater, storm water, and discharges associated with the removal action. Applicable for removal action which will treat and discharge to a storm sewer.</p>
Nonresidential and residential land uses	<p align="center">Generic Cleanup Criteria</p> <p>Part 201 generic criteria apply to exceedances except where site-specific criteria are developed; administrative rules apply to the development of criteria and set forth the promulgated criteria.</p>	<p>Part 201; Environmental Remediation, of The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). (MCL 324.201, <u>et seq.</u>) Michigan Administrative Code: R 299.5511(3)(a), <u>et seq.</u></p> <p>Applicable</p>	<p>Establishes cleanup criteria based on current and future land use.</p>