



ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

Land Protection Branch

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September 6, 2019

VIA U.S. MAIL AND EMAIL

U.S. Environmental Protection Agency
Region 4 Emergency Response and Removal Branch
c/o Mr. Chuck Berry, On-Scene Coordinator
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Subject: Request for Identification of State ARARs
Westside Lead Site, Atlanta, Georgia
EPA ID: GAN000407160

Dear Mr. Berry:

As requested by the United States Environmental Protection Agency (USEPA), the Georgia Environmental Protection Division (GEPD) is providing Applicable or Relevant and Appropriate Requirements (ARARs) for the referenced site. GEPD has identified its rules, the Rules for Hazardous Waste Management, Chapter 391-3-11, and the Rules for Hazardous Site Response, Chapter 391-3-19 (Rules), and its laws, the Georgia Hazardous Waste Management Act, O.C.G.A Section 12-8-60 *et seq.*, and the Georgia Hazardous Site Response Act, O.C.G.A Section 12-8-90 *et seq.* (Acts) as ARARs for the remediation of this site. These Rules and Acts are available online at:

<https://epd.georgia.gov/rules-and-laws>

Specifically, the following sections are ARARs regarding the removal, packaging, transportation, and disposal of hazardous wastes at the site:

1. Section 391-3-11-.04 "Notification of Hazardous Waste Activities":

Every hazardous waste generator, transporter, and owner or operator of a hazardous waste storage, treatment, or disposal facility shall notify GEPD of such activities on forms provided by the Director. The USEPA Form 8700-12 may be used to notify the GEPD of any regulated waste activity.

2. Section 391-3-11-.08 "Standards Applicable to Generators of Hazardous Waste":

- a. Incorporates 40 CFR part 262 by reference; and
- b. Hazardous Waste Manifests shall be on forms as designated by the Director of GEPD and shall be completed as required by the instructions supplied. The USEPA Form 8700-22 Uniform Hazardous Waste Manifest may be used.

3. Section 391-3-11-.16 “Land Disposal Restrictions”:

- a. Incorporates 40 CFR part 268 by reference with exceptions.

4. Section 391-3-19-.07 “Risk Reduction Standards”:

- a. Section 391-3-19-.07(6) and (7): These sections outline the process for determining residential cleanup standards in soil referred to as Type 1 and 2 Risk Reduction Standards (RRS), respectively.

- i. Type 1 RRS: For select metals, Type 1 RRS for soil are listed in Chapter 391-3-19 Appendix 3, Table 2 of the Rules. For other regulated substances, Type 1 RRS for soil are based on soil concentrations protective of contaminant migration to groundwater, and soil concentrations protective of human health determined using modified Equations 6 and 7 of RAGS, Part B¹ with default exposure assumptions. For regulated substances identified at the site, Type 1 RRS for soil are shown below in Table 1.

Table 1: Default Residential (Type 1) Soil Risk Reduction Standards

Constituent	Concentration (mg/kg)
Arsenic	20
Lead	270

- ii. Type 2 RRS: For soil, Type 2 RRS are based on site-specific soil concentrations protective of contaminant migration to groundwater, as determined using laboratory leaching tests (e.g., Synthetic Precipitation Leaching Procedure, SW-846 Method 1312) or fate-and-transport modeling, and soil concentrations protective of human health determined using modified Equations 6 and 7 of RAGS, Part B, allowing for site-specific exposure assumptions. For regulated substances identified at the site, Type 2 RRS for soil protective of human health are shown below in Table 2.

Table 2: Site-specific Residential (Type 2) Soil Risk Reduction Standards

Constituent	Concentration (mg/kg)
Arsenic	Defaults to Type 1 RRS
Lead	400

The residential RRS criteria are based on concentrations at any point above the uppermost groundwater zone in soil that has been affected by a release. It is GEPD’s understanding that the removal actions contemplated by the USEPA will extend to a maximum depth of 24 inches (2 feet) below ground surface and that, in instances where concentrations remain at 24 inches bgs in excess of the applicable USEPA Removal Management Level (RML), a physical barrier will be placed at the bottom of the excavation to demarcate where constituent concentrations remain in excess of applicable RMLs and/or state ARARs.

¹ RAGs, Part B – “Risk Assessment Guidance for Superfund: Volume 1 – Human Health Evaluation Manual (Part B, Development of Risk-based Preliminary Remediation Goals), USEPA document EPA/540/R-92/003, December 1991

Additionally, it is GEPD's understanding that removal actions will extend only to accessible areas of properties and will not extend beneath existing structures. In such instances, X-Ray Fluorescence (XRF) sidewall readings should be denoted to identify soils exceeding applicable RMLs and/or state ARARs remaining beneath existing structures.

In those instances where exceedances remain, GEPD recommends that a notice be recorded in property records (i.e., deed notice) such that any affected properties can be managed appropriately with respect to future land disturbance activities which may result in exposure to soils with concentrations exceeding applicable regulatory criteria.

- b. Section 391-3-19-.07(8) and (9): These sections outline the process for determining non-residential cleanup standards referred to as Type 3 and 4 RRS, respectively. These standards require long-term monitoring in addition to the filing of a Uniform Environmental Covenant (UEC) to ensure that property use remains non-residential. As proposed USEPA removal activities are limited to properties zoned as residential, Type 3 and 4 RRS are not being provided as part of the ARAR request.
- c. Section 391-3-19-.07(10): This section outlines the process for addressing instances where the application of Type 1-4 RRS are not appropriate under present circumstances. These standards, referred to as Type 5 RRS, allow the use of measures such as engineering controls and institutional controls. Type 5 RRS require long-term monitoring and maintenance in addition to the filing of a uniform environmental covenant (UEC).

Please contact the Response and Remediation Program with site-specific values if the USEPA proposes to implement the Type 5 RRS. Additional information regarding Risk Reduction Standards is available at:

<https://epd.georgia.gov/comparison-existing-contamination-risk-reduction-standards-391-3-19-07>

Please keep GEPD informed of site activities and findings throughout the investigation. If additional regulated substances are detected in soil or groundwater, GEPD may need to provide additional ARARs. If you have any questions regarding this matter, please contact Will Lucas at (404) 656-3851 or via email at william.lucas@dnr.ga.gov.

Sincerely,



Chuck Mueller, Chief
Land Protection Branch

cc: James Webster, USEPA (via email: Webster.James@epa.gov)
Matt Taylor, USEPA (via email: Taylor.Matt@epa.gov)
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