

2.3.6.6 Permitting Framework and Scope/ Permit Program Areas/Exemptions and Waivers/Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) Exemptions from Permitting

Applicability:

Summarizes when Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) activities are not required to obtain a state operating permit (NPDES Permit) for wastewater discharges and discusses an alternative control process.

Content:

The discharge of water from an environmental emergency cleanup site under the direction of, or the direct control of, the MDNR or the USEPA does not require a State Operating Permit, provided the discharge does not violate any condition of 10 CSR 20-7.031 Water Quality Standards.

Instead, the site must receive an Applicable or Relevant and Appropriate Requirements (ARAR) statement that establishes cleanup standards, standards of control, and other substantive requirements. The ARAR process is similar to the regular state operating permit process, but with an abbreviated application form, no public comment period, and no required fees. The ARAR is written by the Central Office.

The holder of an ARAR is required to provide written notification to the WPP –Water Pollution Control Branch, Central Office, within 24 hours if analyses indicate limits have been exceeded. An explanation of actions to be taken to correct the problem, as well as a schedule of implementation must accompany the report.

Legal References:

[Comprehensive Environmental Response, Compensation, and Liability Act of 1980 \(Public Law 96-510\)](#) in particular Sections 104, 106, 120, 121 and 122

Code of State Regulations:

[10 CSR 20-6.010\(1\)\(B\)6](#) Construction and Operating Permits - General - Permit Exemptions

Code of Federal Regulations

[40 CFR 300.400\(e\) and \(g\)](#) National Oil and hazardous Substances Pollution Contingency Plan - General

Other Links:

Key Words:

CERCLA, ARAR, superfund, environmental emergency, EER, cleanup site

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