

TABLE C-2
LOCATION-SPECIFIC ARARS
Operable Unit V Peconic River Feasibility Study Addendum
Brookhaven National Laboratory
Upton, New York

Federal Guidelines	Requirement	Type of ARAR	Potential Impacts
Floodplain Management 40 CFR 6.302(b) Executive Order 11988	Federal agencies proposing actions to be located in a floodplain must first evaluate the potential adverse effects those actions might have on the natural and beneficial values served by the floodplain.	Applicable	The areas adjacent to the Peconic River and its associated wetlands are within a floodplain. This regulation will apply.
Area Affecting Stream or River 40 CFR 6.302(g) Executive Order 11990	This regulation requires that necessary actions be taken to protect fish and wildlife from impacts associated with modifying streams.	Applicable	After consultation with the U.S. Fish and Wildlife Service and appropriate State agency, actions necessary to protect fish and wildlife from impacts associated with modifying streams or areas affecting streams will be implemented.
Use and protection of Waters 6 NYCRR Part 608	This regulation is the New York State Stream Protection Program. Sections significant to this project include Disturbance of Protected Streams, Dams and Impoundment Structures and Water Quality Certifications.	Applicable	The Peconic River is protected as a New York State Scenic and Recreational River. Temporary "Aquadam barriers will be used during the cleanup and removed at cleanup completion. Monitoring will be conducted to ascertain maintenance of water quality.
Protection of Wetlands 40 CFR 6.302(a) Executive Order 11990	Federal agencies are directed to avoid construction located in wetlands unless the agency head finds: (1) no practical alternative to such construction, and (2) the proposed action includes all practical measures to minimize harm to wetlands which might result from such use. Federal Agencies proposing actions that might adversely impact wetlands shall consider certain factors relevant to the proposal's effect on the survival and quality of the wetlands.	Applicable	There are 5 federally designated wetland locations on-site. The wetlands were mapped and found to be of three types: PF01C, PSS1E (or PSS1C), and PEM1E. While no recent disturbance to these wetlands was noted during on-site field surveys (LMS, 1995) aerial photographs reveal that streams and water courses through the wetlands have been channelized. Remediation may require the construction of dewatering facilities and the dredging and filling of wetland areas. Therefore, this regulation may apply.

TABLE C-2 (Continued)
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Federal Guidelines	Requirement	Type of ARAR	Potential Impacts
National, Wild, Scenic or Recreational Rivers 6 NYCRR 666 Article 15 Title 27	Sets forth guidelines limiting development of and impact to designated rivers.	Applicable	The Peconic River was designated by the State of New York in 1996 as a "Wild and Scenic River." Twelve kilometers of the approximately 22.4 kilometer river is now listed as "Scenic River, free of diversions or impoundments, limited access, primitive and largely undeveloped areas." (NYSDEC, 1988). Remediation may require discharge of treated water to surface water. Therefore, this regulation may apply.
Federal Emergency Management Association (FEMA)	Maps floodplains and sets forth specific guidelines when performing activities in these areas.	Applicable	The areas adjacent to the Peconic River and its associated wetlands are within a floodplain. This regulation will apply.

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State/Local Guidelines	Requirement	Type of ARAR	Potential Impacts
Protection of Wetlands 6 NYCRR Part 663	Activities within 100 feet of a regulated wetland are regulated if they impinge upon or otherwise substantially effect the wetland. Impacts to a wetland must be avoided and then minimized.	Applicable	There are 5 federally designated wetlands on site of 3 types, all of which are considered Class 1 Wetlands by the NYSDEC. Remediation may require the construction of dewatering facilities and the dredging and filling of wetland areas. Therefore, this regulation may apply.
Freshwater Wetlands Mapping and Classification Regulations 6 NYCRR Part 664	Wetlands are characterized according to benefits upon many factors, including: the vegetative cover, their ecological associations, their special features, their hydrological and pollution control features, and their distribution and location.	Applicable	The wetlands onsite are designated as Class I.
Endangered Species of Fish and Wildlife NYCRR Part 182	Actions must be taken to avoid or minimize adverse impacts on rare, threatened or endangered species and.	Applicable	A endangered species, the tiger saolamander, and a threatened species, the banded sunfish, are present within the area of the Peconic River. Thus, the regulations may apply for any remedial actions conducted at the site.

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<p>6 NYCRR Part 193.3 Protective Native Plants</p>	<p>All threatened plants of this section are protected native plants pursuant to Section 9-1503 of the Environmental Conservation Law (Title 15). No one may knowingly pick, pluck, sever, remove or carry away (without consent of the owner thereof) any protected plant.</p>	<p>Applicable</p>	<p>Two plant species; spotted wintergreen and Lady's slipper, and 7 fern species; hayscented fern, shield fern, sensitive fern, cinnamon fern, Clayton's fern, royal fern, marsh fern and Virginia chain fern are protected in NY. Thus, the State regulations will be complied with.</p> <p>These regulations may apply for any remedial actions conducted at the site.</p>
<p>6 NYCRR Part 608, Use and Protection of Waters</p>	<p>No person or local public corporation may:</p> <ol style="list-style-type: none"> 1. change, modify or disturb any protected stream, its bed or banks, nor remove from its bed or banks sand, gravel or other material, without a permit issued pursuant to this Part 2. construct, reconstruct or repair any dam or impoundment structure; including any artificial obstruction, temporary or permanent, in or across a natural stream or watercourse; without a permit 	<p>Applicable</p>	<p>Work on this project will be conducted under a Permit Equivalency Application will be filed with the New York State Department of Environmental Conservation .</p>