

TABLE C-3
ACTION-SPECIFIC ARARS
Operable Unit V Peconic River Feasibility Study Addendum
Brookhaven National Laboratory
Upton, New York

Federal Guidelines	Requirement	Type of ARAR	Potential Impacts
Dredge and Fill 33 CFR 320.2(f)	<p>In evaluating dredge or fill operations, the U.S. Corps of Engineers will follow EPA guidelines and requirements found under 40 CFR 230 that state:</p> <p>No discharge of dredge or fill material is allowed if:</p> <ul style="list-style-type: none"> ? There is a practical alternative with less of an impact, ? The discharge causes or contributes to violations of State Water Quality Standards, ? The discharge violates applicable toxic effluent standards or prohibitions, ? The discharge jeopardizes endangered or threatened species, and ? The discharge causes or contributes to significant degradation of waters of the United States. 	Applicable	<p>These requirements are applicable if remedial activities are conducted in the Peconic River and the associated wetlands.</p> <p>Specific activities that may require a permit include: the diversion of the channel and dredging and filling.</p>
National Pollution Discharge Elimination System (NPDES) 40 CFR 122	<p>Regulates the discharge of water into public surface waters. Among other things, major requirements are:</p> <ul style="list-style-type: none"> ? Use of best available technology economically achievable (BATEA) is required to control toxic and nonconventional pollutants. ? Use of best available technology (BAT) on conventional pollutants is required. 	Applicable	Remediation may result in the discharge of treated water to surface water. Therefore, this regulation may apply.

TABLE C-3 (Continued)
ACTION-SPECIFIC ARARS
Operable Unit V Peconic River Feasibility Study Addendum
Brookhaven National Laboratory
Upton, New York

Federal Guidelines	Requirement	Type of ARAR	Potential Impacts
	Technology-based limitations may be determined on a case-by-case basis.		
Discharge of Storm Water Runoff 40 CFR 122.26	Storm water runoff from industrial activities must be monitored and controlled.	Applicable	Storm water runoff from site remediation and installation of a treatment system may result in runoff into the Peconic River, its tributaries and associated wetlands. Therefore, these regulations would apply.
Discharge of Treatment System Effluent 40 CFR 125.100 40 CFR 125.104	<p><u>Best Management Practices</u> Requires the development and implementation of a BMP program to prevent the release of toxic or hazardous pollutants to waters of the U.S.</p> <p>The BMP program must:</p> <ul style="list-style-type: none"> ? Establish specific procedures for the control of toxic and hazardous pollutant spills and runoff; and ? Include a prediction of direction, rate of flow, and total quantity of toxic and hazardous pollutants where experience indicates a reasonable potential for equipment failure. 	Relevant and Appropriate	The development of a BMP program is relevant and appropriate to prevent releases from spills or runoff during the implementation of remedial actions.
Discharge of Dredged Materials 40 CFR 230	No dredged material shall be discharged into U.S. waters if there is a feasible alternative which might have less adverse impact on the aquatic ecosystem.	Relevant and Appropriate	Some remedial alternatives may result in the disturbance of wetlands. (Required for all industrial waste sites greater than 5 acres.)
Pretreatment Regulations for New and Existing Sources 40 CFR 403	Establishes requirements for the discharge of non-domestic wastewater to POTWs.	Relevant and Appropriate	Treated water may be discharged to the on-site sewage treatment plant. Although this facility is not a publicly owned treatment works, the substantive requirements of this regulation may be relevant and appropriate.

TABLE C-3 (Continued)
ACTION-SPECIFIC ARARS
Operable Unit V Peconic River Feasibility Study Addendum
Brookhaven National Laboratory
Upton, New York

Federal Guidelines	Requirement	Type of ARAR	Potential Impacts
DOT Hazardous Waste Transportation Requirements (49 CFR 171.3; 49 CFR 173.5)	Sets forth standards for off-site disposal of hazardous wastes.	Applicable	If site remediation results in the transport of hazardous materials off-site, this regulation may apply.
Discharge of Treatment System Effluent 40 CFR 125.30	Sets forth criteria and standards for effluent limitations.	Applicable	Water may be discharged after treatment, therefore this regulation may apply.
Proposed Hazardous Waste Identification Rule (HWIR) 40 CFR 261	This proposed rule sets forth requirements for determining if a waste is classified as hazardous. Specifically, it establishes constituent-specific exit levels for low-risk solid wastes that are designated as hazardous because they are listed, or have been mixed with, derived from, or contain listed hazardous waste.	TBC	This rule, if adopted, may be applicable to the management of excavated soil or groundwater, if it exhibits the characteristic of a hazardous waste.
Proposed Requirements for Management of Contaminated Media (HWIR-Media) 40 CFR 261	This proposed rule sets forth new regulations for contaminated media, including contaminated soils, groundwater, and sediments that are managed during remedial actions. The proposed rule establishes modified LDR treatment requirements and modified permitting procedures for higher-risk contaminated media and gives EPA authority to remove certain lower-risk contaminated media from regulation as hazardous waste.	TBC	This rule, if adopted, may be applicable to the management of excavated soil or groundwater, if it exhibits the characteristic of a hazardous waste.

TABLE C-3 (Continued)
ACTION-SPECIFIC ARARS
Operable Unit V Peconic River Feasibility Study Addendum
Brookhaven National Laboratory
Upton, New York

Federal Guidelines	Requirement	Type of ARAR	Potential Impacts
Empty Containers 40 CFR 261.7	<p>Containers that have held hazardous wastes are "empty" and exempt from further RCRA regulations if one or more of the following are met:</p> <p>? No more than 2.5 cm (1 inch) of residue remains on bottom of inner liner.</p> <p>? Less than 3% by weight of total capacity remains (less than 110 gallon container)</p> <p>? Less than 0.3% by weight of total capacity remains (greater than 110 gallon container)</p>	Relevant and Appropriate	During site remediation containers may be used to treat/store hazardous waste. This regulation may be applicable to the determination of whether these containers meet the RCRA definition of "empty".
Generators Who Transport Hazardous Waste for Off-Site Treatment, Storage, or Disposal 40 CFR 262.20 - 262.23	Any generator who transports hazardous waste for off-site treatment, storage or disposal must prepare a manifest.	Applicable	If any waste is characterized as hazardous, this regulation may apply.
Standards Applicable to Transporters of Hazardous Waste 40 CFR 263	Sets forth requirements for the transportation of hazardous waste.	Applicable	If any waste is characterized as hazardous, this regulation may apply.
Treatment, Storage, or Disposal Facility Standards 40 CFR 264	Sets forth minimum standards for the operation of hazardous waste treatment, storage and disposal facilities.	Applicable	If any waste is characterized as hazardous, this regulation may apply.

TABLE C-3 (Continued)
ACTION-SPECIFIC ARARS
Operable Unit V Peconic River Feasibility Study Addendum
Brookhaven National Laboratory
Upton, New York

Federal Guidelines	Requirement	Type of ARAR	Potential Impacts
Corrective Action for SWMUs 40 CFR Subpart S 40 CFR 264.552 40 CFR 164.553	Sets forth Standards for Corrective Action Management Units (CAMUs) and Temporary Units (TUs).	Relevant and Appropriate	Corrective Action Management Units (CAMUs) might be designated at the site as areas where remediation wastes (solid, hazardous, or media and debris) might be placed during the process of remediation, but which might not constitute land disposal of the site. Temporary units (TUs) consisting of tanks and container storage units might be used to store and treat hazardous waste during the process of corrective action.
Land Disposal Restrictions 40 CFR 268, Subpart D	Generally prohibits the placement of restricted RCRA hazardous wastes in land-based units such as landfills, surface impoundments, waste piles and land facilities, unless one or more of the following are met: ? Wastes have been treated in accordance with technology-based or concentration based standard; ? The site manager can demonstrate that another technology can achieve an equivalent measure of performance; and ? The site manager has demonstrated that the waste does not meet any of the criteria under which the waste was listed and other factors (including additional constituents) might not cause the waste to be hazardous.	Relevant and Appropriate	These regulations may apply to final waste disposal options.

TABLE C-3 (Continued)
ACTION-SPECIFIC ARARS
Operable Unit V Peconic River Feasibility Study Addendum
Brookhaven National Laboratory
Upton, New York

Federal Guidelines	Requirement	Type of ARAR	Potential Impacts
National Primary and Secondary Ambient Air Quality Standards (40 CFR Part 50)	Sets forth emission standards for sulfur oxides, particulate matter, nitrogen dioxide, and lead.	Applicable	Remediation and excavation of soil and the construction of on-site treatment facilities may result in the emission of contaminants into the air, therefore these regulations may apply.
NAAQS for Total Suspended Particulates 40 CFR 129.105, 750	This regulation specifies maximum primary and secondary 24-hr concentrations for particulate matter. Fugitive dust emissions from site excavation activities must be maintained below 260 $\mu\text{g}/\text{m}^3$ (primary standard)	Applicable	If remedial actions impact air quality, then these regulations would apply.

TABLE C-3 (Continued)
ACTION-SPECIFIC ARARS
Operable Unit V Feasibility Study Report
Brookhaven National Laboratory
Upton, New York

State/Local Guidelines	Requirement	Type of ARAR	Potential Impacts
NYSDEC Air Pollution Control Regulations (6 NYCRR Part 200 et. seq.)	The regulations are promulgated to ensure air quality protection.	Applicable	These regulations will be followed if any remedial actions impact air quality.
6 NYCRR Part 211	This regulation requires control of fugitive emissions from excavation and transport.	Applicable	These regulations may apply to excavating and transport activities.
State Pollution Discharge Elimination System Permit Program (SPDES) (6NYCRR Part 750)	<p>? Applicable Federally approved State water quality standards must be complied with. These standards may be in addition to or more stringent than other Federal standards.</p> <p>? The discharge must conform to applicable water quality requirements when the discharge affects a state other than the certifying state.</p> <p>? The discharge must be consistent with the requirements of a Water Quality Management Plan approved by EPA.</p> <p>? Discharge limitations must be established for all toxic pollutants that are or may be discharged at levels greater than that which can be achieved by technology-based standards.</p>	Applicable	Remediation may result in the discharge of treated water to surface water. Therefore, this regulation may apply.
Protection of Wetlands 6NYCRR Part 663	Activities within 100 feet of a wetland are regulated if they impinge upon or substantially effect the wetland.	Applicable	A permit will be required for any remedial activities conducted within the wetlands.

TABLE C-3 (Continued)
ACTION-SPECIFIC ARARS
Operable Unit V Feasibility Study Report
Brookhaven National Laboratory
Upton, New York

State/Local Guidelines	Requirement	Type of ARAR	Potential Impacts
NYSDOH State Sanitary Code Public Water Systems Subpart 5-1 (1/6/93)	The MCLs must not be exceeded in the treatment processes, in the water quality to be discharged, or in the character of the watershed or aquifer which may affect the water quality; or the combination of the previous information.	Applicable	Remediation may result in the discharge of treated water to surface water. Therefore, this regulation may apply.
NYSDEC Hazardous Waste Management Regulations 6 NYCRR 370-374, Parts 370-1.1	State hazardous waste management regulations which are similar to but may be more stringent than RCRA regulations cited above.	Applicable	This regulation may be applicable if excavated material is classified as a hazardous waste.
NYSDEC Solid Waste Management Facilities 6 NYCRR Part 360 Request for Discharge Criteria 6 NYCRR Part 8	The designing, constructing, maintaining or operating any solid waste management facility is subject to specific operational requirements. Sets forth the requirements for discharging water generated during remedial activities.	Relevant and Appropriate Applicable	May be applicable to the construction of onsite facilities. May be applicable to the discharge of treated water to the Peconic River.
Beneficial Reuse 6NYCRR Part 360-1.15	A material that is determined to be a solid waste may be beneficially reused.	Applicable	May be applicable if material is disposed on-site.