



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

N62578.AR.000583  
NCBC DAVISVILLE  
5090.3a

March 20, 1996

Mr. Philip Otis  
U.S. Department of the Navy  
Northern Division - NAVFAC  
10 Industrial Highway  
Code 1811/PO - Mail Stop 82  
Lester, PA 19113-2090

Re: EPA Supplemental Comments on the Draft Feasibility Study (FS)  
Report, Site 09-Allen Harbor Landfill, January 1996, Former Naval  
Construction Battalion Center, Davisville, RI

Dear Mr. Otis:

Please find attached the Environmental Protection Agency's (EPA) comments concerning the ARARs for the above captioned document. These comments are a supplement to the comments contained in the letter dated March 14, 1996 from Christine Williams, EPA, to Philip Otis, Northdiv.

Please note, that we have provided comments on ARAR Tables 2-1, 2-2 & 2-3 as they related to the most comprehensive alternative, Alternative IV. However, the Navy must generate individual action-specific tables for each of the other alternatives as well. Please see the attached general comments.

As noted in our March 14, 1996 comments, the FS was very biased toward Alternative 2. The ARAR discussion was similarly biased. Please note that EPA has determined that Alternative 2 does not comply with ARARs and therefore cannot be the preferred alternative.

Similarly, the text relating to the evaluation of alternatives under the nine criteria is very biased toward Alternative 2. This text must be revised to more fully discuss the merits of each alternative as it relates to the criteria.

I look forward to working with you and the RIDEM to produce a draft-final FS. Please contact me to set up a meeting to discuss the Navy's responses to these comments at (617) 573-5736.

Sincerely,

Christine A.P. Williams  
Remedial Project Manager  
Federal Facilities Superfund Section



Attachment

cc: Richard Gottlieb, RIDEM  
Walter Davis, NCBC  
Tim Prior, USF&WL  
Ken Finkelstein, NOAA  
Forest Lyford, USGS  
Andy Beliveau, EPA  
Bill Brandon, EPA  
Bob DiBiccaro, EPA  
M. Peter Holmes, EPA  
Jayne Michaud, EPA  
Scot Gnewuch, ADL  
Jim Shultz, EA

EPA Supplemental Comments on the Draft Feasibility Study (FS) Report, Site 09-Allen Harbor Landfill, January 1996, Former Naval Construction Battalion Center, Davisville, RI

*GENERAL COMMENTS*

1. These comments are in addition to the hand written comments on the attached tables.
2. The EPA has provided the following comments on ARAR Tables 2-1, 2-2 & 2-3 as they related to the most comprehensive alternative, Alternative IV. However, the Navy must generate individual action-specific tables for each of the other alternatives as well. For example, the action-specific ARAR table for Alternative III would include all the ARARs identified for Alternative IV except those relating to the groundwater containment. Alternative II action specific ARAR tables would contain the same ARARs as Alternative III, except that the "Action to be Taken" column, for both the federal and state landfill closure regulations, must indicate that "ARARs will not be met by Alternative II". The Federal and State Landfill closure regulations do not allow a permeable cap.
3. As noted in our March 14, 1996 comments, the FS was very biased toward Alternative 2. The ARAR discussion was similarly biased. Please note that EPA has determined that Alternative 2 does not comply with ARARs and therefore cannot be the preferred alternative.
4. The Columns in Table 2-1 & 2-1 currently headed with "Applicability to Site Conditions" must be renamed to "Action to be Taken to Meet ARAR" as was indicated in a letter dated, April 4, 1995 from Christine Williams, RPM, EPA, to Robert Krivinskas, RPM, Northdiv. Additionally, some of the following comments were also made in the previously referenced letter but were not complied with in the FS document.

*SPECIFIC COMMENTS*

Insert A -- p. 3

Since the site is on Narraganset Bay and is immediately adjacent to wetlands, there is no practicable alternative that will have less adverse impact on wetlands and the floodplain. Therefore, the remedial action will be designed

and constructed in a manner which will meet the substantive requirements that would be in a CWA Section 404 permit. The impacts to wetlands and floodplains will be minimized and mitigated, including restoration of existing wetlands and construction of new wetlands.

Insert B -- p. 3

If any of these species are identified on the landfill or the adjacent wetland, appropriate measures will be taken during construction to ensure that the remedial action does not adversely affect the species or its habitat. In addition, the final cap may provide habitat for these species.

Insert C -- p. 4

The remedial action will be designed and constructed in a manner which will minimize and mitigate the impacts to wetlands and floodplains, including restoration of existing wetlands and construction of new wetlands.

Insert D -- p. 6

Requirement

Clean Air Act (40 CFR 264), proposed Subpart CC (56 Federal Register 33490, July 22, 1991), proposed new standards for air pollution emissions from Treatment, Storage and Disposal Facilities

Status

To be considered

Synopsis

Proposed Subpart CC would apply to owners and operators of TSDFs using tanks, surface impoundments, and containers to manage hazardous waste, and to generators using tanks and containers to manage hazardous waste on site. Specific organic emissions controls would have to be installed where the volatile organic concentration is equal to or greater than 500 ppmw. A combination of covers, closed-vent systems, and control devices would have to be used to limit the organic emissions.

Action to be taken to meet ARAR

If the volatile organic concentration in hazardous waste in tanks, surface impoundments or containers on site exceeds the 500 ppmw threshold, the appropriate controls will be added.

Insert E -- p. 6

Air control technologies will be used to control emissions of hazardous air pollutants (including asbestos and **[Navy should insert any others]**) at the site.

Insert F -- p. 6

Based on current information, the threshold of 50 tpy will not be exceeded; if at a later time, it is exceeded, these requirements will be met.

Insert G -- p. 6

Based on current information, the threshold of 25 tpy will not be exceeded; if at a later time, it is exceeded, these requirements will be met.

Insert W -- p. 6

Move the LDR requirements from Table 2-1 to Table 2-3 as indicated and delete the current entry under the "Applicability to Site Conditions" and add the following:

Action to be taken to meet ARAR

If the chemical specific testing results (including TCLP testing) of sediments to be placed under the cap exceed the thresholds in this standard, the sediments will be treated.

TABLE 2-1 CHEMICAL-SPECIFIC ARARs AND TBCs FOR SITE 09

MEDIA	REQUIREMENT	STATUS	SYNOPSIS	ACTION TO Be Taken APPLICABILITY TO SITE CONDITIONS To meet ARAR
1 Water (Aerial)	<del>Federal Resource Conservation and Recovery Act (RCRA) Subpart F (40 CFR 264.94) Ground-Water Protection Standards and Alternate Concentration Levels</del>	<del>To Be Considered</del>	<del>Allows for the development of ACL for facilities which treat, store, or dispose of hazardous wastes when the characteristics of the ground water (e.g. high salinity) limit the application of MCLs or health-based criteria. Exposure-based ACL may be developed which take into account potentially adverse effects on ground-water quality and hydraulically connected surface water quality.</del>	<del>Although currently undeveloped, ACL for ground water may be relevant and appropriate to the development of site-specific PRG.</del>
	Federal Clean Water Act (CWA) (33 USC 1251-1376); Clean Water Act, Water Quality Criteria, Section 404 (40 CFR 230)	To Be Considered Relevant and Appropriate	Non-enforceable guidelines established for the protection of human health and/or aquatic organisms. These guidelines are used by states to set water quality standards for surface water.	AWQC will be used to set appropriate for the development of PRG for ground water which enters a surface water. The PRG for sediments
	Federal Safe Drinking Water Act	Relevant and Appropriate	Establishes drinking water MCLs and health-based criteria.	Appropriate for the development of PRG for remedial actions involving the discharge of treated ground water.
2 Water (Surface)	<del>Federal Clean Water Act (CWA) (33 USC 1251-1376); Clean Water Act, Water Quality Criteria, Section 404 (40 CFR 230)</del>	<del>Relevant and Appropriate or Applicable</del>	<del>Non-enforceable guidelines established for the protection of human health and/or aquatic organisms. These guidelines are used by states to set water quality standards for surface water.</del>	<del>AWQC are relevant and appropriate to the development of PRGs for surface water. AWQC will also be applicable to remedial alternatives which involve discharges to surface water.</del>
3 Sediment (Aerial)	<del>Toxicity Characteristic (40 CFR 261.24)</del>	<del>To Be Determined</del>	<del>Establishes maximum concentrations of COC for the TCLP test method described in 40 CFR 261. Appendix II.</del>	<del>Applicable where wastes produced during remedial actions require handling as a hazardous waste based upon the results of TCLP analysis.</del>
	Land Disposal Restrictions (40 CFR 268)	To Be Determined DPLV	Establishes maximum concentrations of COC on the basis of which hazardous wastes are restricted from land disposal.	Applicable to remedial alternatives which specify the land disposal of hazardous wastes. DELETE here MOVE TO PCBs Specific
	<del>Toxic Substances Control Act (TSCA) (40 CFR 761.125)</del>	<del>Relevant and Appropriate</del>	<del>Establishes PCB cleanup levels for soils and solid surfaces.</del>	<del>Applicable to spills of materials containing PCB at concentrations of 50 mg/kg or greater that occurred after 4 May 1987. Although landfill operations ceased in 1972, this regulation may still be relevant and appropriate for the development of PRG.</del>
	EPA Proposed Sediment Quality Criteria (Fed. Reg. Vol. 59, No. 11 18 January 1994)	To Be Considered	Establishes proposed levels of five priority pollutants in fresh and salt waters for the protection of benthic organisms.	To be considered for the development of PRG.
	<del>EPA Interim Sediment Criteria Values for Non-Polar Hydrophobic Organic Contaminants (EPA SCD#17 May 1988)</del>	<del>To Be Considered</del>	<del>Screening values for contaminants in sediments.</del>	<del>To be considered for the development of PRG. EPA's proposed criteria are contained in the 1994 document (above).</del>
	Interim Guidance on Establishing Soil Lead Cleanup Levels at Superfund Sites (OSWER 9355.4-02)	To Be Considered	Sets forth as an interim soil cleanup level for lead at 500 to 1,000 mg/kg.	To be considered for the development of PRG.

Insert as action-specific ARAR on p 6

TABLE 2-1 CHEMICAL-SPECIFIC ARARs AND TBCs FOR SITE 09 (continued)

MEDIA	REQUIREMENT	STATUS	SYNOPSIS	APPLICABILITY TO SITE CONDITIONS
Ground Water (State)	<del>Rules and Regulations for Ground-Water Quality (CRIR No. 12-100-006)</del>	<del>To Be Considered</del>	<del>Establishes water classifications and water quality criteria. Also establishes acute and chronic water quality criteria for the protection of aquatic life.</del>	<del>Class GA WQS, with modification, may be relevant and appropriate to the development of PRG for ground water based upon the potential discharge following treatment to fishable surface water.</del>
	Ground-Water Protection Act of 1985 (RIGL 46-13.1)	Applicable	Establishes the policy for maintaining and restoring ground-water quality and presents ground-water classifications.	Applicable to Class GB ground waters within the state of Rhode Island.
Surface Water (State)	<del>Rules and Regulations for Ground-Water Quality (CRIR No. 12-100-006)</del>	<del>Relevant and Appropriate or Applicable</del>	<del>Establishes water classifications and water quality criteria. Also establishes acute and chronic water quality criteria for the protection of aquatic life.</del>	<del>WQS are relevant and appropriate to the development of PRGs for surface water. WQS will also be applicable for remedial alternatives which involve discharges to surface water.</del>
	Water Quality Regulations for Water Pollution Control	Applicable	Establishes water quality criteria and water classifications.	Applicable to Class SA surface water for the development of PRG.
Soils (State)	<del>Rules and Regulations for Lead Poisoning Prevention</del>	<del>Applicable</del>	<del>RIDEM, in conjunction with RIDOH, established a permissible level of lead in soil at 500 mg/kg for surface soils and 1,000 mg/kg for subsurface soils. A "lead-free" level in soil was defined as 150 mg/kg.</del>	<del>Applicable for the development of soil PRG.</del>
	RI Hazardous Waste Management Act of 1987 (RIGL 23-19.1 et seq.)	Relevant and Appropriate or Applicable	Defines Type 6 - Extremely hazardous waste as including wastes which contain PCB at a concentration of 50 mg/kg or greater or showing 10 ug/100 cm <sup>2</sup> or greater as measured by a standard wipe test.	Relevant and appropriate for the development of soil PRG. Applicable for remedial actions which involve handling hazardous wastes. <i>Requirement will be met in</i>
	Rules and Regulations for Solid Waste Management Facilities	Relevant and Appropriate or Applicable	Defines solid waste as including any soil, debris, or other material with a concentration of PCBs of 10 ppm or greater or containing 2 ug/100 cm <sup>2</sup> or greater as measured by a standard wipe test.	Relevant and appropriate for the development of soil PRG. Applicable for remedial action which involve handling solid wastes.

NOTE: DELETE here; Insert, as modified, on page 7.

TABLE 2-2 LOCATION-SPECIFIC ARARs AND TBCs FOR SITE 09

EDIA	REQUIREMENT	STATUS	SYNOPSIS	ACTION TO BE TAKEN APPLICABILITY TO SITE CONDITIONS TO MEET ARAR
lands/ r ources ederal)	Executive Order 11988 and 11990; Statement on Proceedings of Floodplain Management and Wetlands Protection (40 CFR 6, Appendix A)	Applicable	Requires action to avoid whenever possible the long- and short-term impacts associated with the destruction of wetlands and the occupancy and modifications of floodplains and wetlands whenever there is a practicable alternative which promotes the preservation and restoration of the natural and beneficial values of wetlands and floodplains.	Will be applicable to remedial actions which impact coastal or on-shore wetland areas. <b>INSERT A</b>
	Clean Water Act Section 404 (40 CFR 230.10) Requirements for Discharge of Dredge or Fill Material in Rivers and Harbors Act (Section 10) Prohibition of Filling a Navigable Water	Applicable	Prohibits the discharge of dredged or fill material to a water of the United States if there is a practicable alternative which poses less of an adverse impact on the aquatic ecosystem or if it causes significant degradation of the water.	Will be applicable to remedial alternatives which impact wetlands and water, or permit degradation of water. <b>INSERT A</b>
*	Rivers and Harbors Act (Section 10) Prohibition of Filling a Navigable Water	<b>APPLICABLE</b>	Rivers and Harbors Act prevents filling of a navigable water.	<b>The requirements of this act will be met</b>
	Fish and Wildlife Coordination Act of 1958 (16 U.S.C. 661) Protection of Wildlife Habitats	Applicable	Requires consultation with federal and state conservation agencies during planning and decision-making process which may impact water bodies, including wetlands. Measures to prevent, mitigate or compensate for losses of fish and wildlife will be given due consideration whenever a modification of a water body is proposed.	If the implementation of a remedial action results in an impact to a water body, consultation with the U.S. Fish and Wildlife Service, RIDEM, and other federal and state agencies involved in fish and wildlife matters is required.
angered ies ederal)	Endangered Species Act of 1973 (16 U.S.C. 1531) Protection of Endangered Species	Applicable Rel. and Approp	Remedial actions may not jeopardize the continued existence of endangered or threatened species, or adversely modify or destroy their critical habitats.	Information provided by RIDEM indicates the Grasshopper Sparrow, Upland Sandpiper, and Least Tern have been identified in the Davisville/Quonset area. Will be applicable if Site 09 is to provide suitable habitat for these species. <b>Insert B</b>
stal is ederal)	<del>Coastal Zone Management Act (16 USC Section 1451 et seq.)</del>	<del>Applicable</del>	<del>Regulates activities affecting the coastal zone including lands thereunder and adjacent shoreline.</del>	<del>For remedial actions in a coastal zone, requires determination that all activities are consistent to the maximum extent practicable with State Coastal Zone Management Plan.</del>

[Insert Migratory Bird Treaty Act from p. 5]

\* Make R+H Act a separate ARAR

TABLE 2-2 LOCATION-SPECIFIC ARARs AND TBCs FOR SITE 09 (continued)

MEDIA	REQUIREMENT	STATUS	SYNOPSIS	ACTION TO BE TAKEN APPLICABILITY TO SITE CONDITIONS TO THE SITE AREA
Wetlands (State)	Rhode Island Freshwater Wetlands Laws (RIGL 2-1-18 et seq.); Rhode Island Department of Environmental Management Rules Governing the Enforcement of the Freshwater Wetlands Act as amended, 21 Dec. 1986.	Applicable	Defines and establishes provisions for the protection of swamps, marshes and other freshwater wetlands in the state. Actions required to prevent the undesirable drainage, excavation, filling, alteration, encroachment or any other form of disturbance or destruction to a wetland.	Regulation will be applicable if implementation of a remedial action impacts a wetland area.  Insert C
Coastal Zone (State)	Rhode Island Coastal Resources Management Law, (RIGL, Title 46, Chapter 23) and Regulations	Applicable	Creates Coastal Resources Management Council and sets standards and authorizes promulgation of regulations for management and protection of coastal resources.	Since Allen Harbor Landfill is located in a coastal area, the Navy will coordinate with the Rhode Island Coastal Resources Management Council and will ensure that all source control actions are consistent to the maximum extent practicable, with the Coastal Resources Management Plan.

- Section 7.02    Applicable    States that the impacts of any changes in drainage in a wetland area must be assessed.    Impact of landfill cap and hydraulic containment features on fresh water wetland areas will be assessed, and mitigated if drainage is impacted.
- Section 7.03    Applicable    Requires that flood storage capacity be maintained at a site.    Impact of slurry wall construction on ground water elevations in fresh water wetland areas will be assessed to ensure that flood storage capacity will be maintained.
- Section 7.04    Applicable    Requires implementation of sediment controls and surface water discharge controls to minimize sedimentation of wetland areas.    Construction runoff control methods and final cap drainage control methods will be designed to minimize sediment runoff.

TABLE 2-3 ACTION-SPECIFIC ARARs AND TBCs FOR ~~Site 09~~

Each ALTERNATIVE TO BE

AUTHORITY/ ACTION	REQUIREMENT	STATUS	SYNOPSIS	ACTION TAKEN TO MEET ARARs
<del>Drainage/ Discharge/ Hydraulic Control (Federal)</del>	<del>Clean Water Act (40 CFR 122.125) National Pollutant Discharge Elimination System (NPDES) Permit Requirements</del>	<del>Applicable</del>	<del>Permits contain applicable effluent standards (i.e., technology- and/or water-quality based), monitoring requirements, and standards and special conditions for discharges, including storm water discharges from land disposal facilities which have received industrial waste from industrial facilities.</del>	<del>The State of Rhode Island has been delegated authority by USEPA for the NPDES program. Therefore, any storm water drainage improvements would be designed to provide compliance with NPDES regulations and drainage would be monitored in compliance with NPDES regulations. (see the State action-specific ARARs being)</del>
	Clean Water Act (40 CFR 121) Ambient Water Quality Criteria (AWQC)	Relevant and Appropriate	Non-enforceable guidelines established for the protection of human health and/or aquatic organisms. These guidelines are used by states to set water quality standards for surface water.	AWQC will be applicable to remedial alternatives which involve discharges to surface water.
Capping/ Monitoring (Federal)	Migratory Bird Treaty Act (16 U.S.C. 703-712)	Applicable	Prohibits hunting, possessing, killing, or capturing of migratory birds, birds in danger of extinction, and those birds' eggs or nests.	Since construction activities during the breeding season may "take" birds or their nests, actions must be taken to avoid destroying nests during breeding season.
	<del>Clean Water Act Section 404 (40 CFR 230.10) Requirements for Discharge of Dredged or Fill Material and Rivers and Harbors Act (Section 10) Prohibition of Wetland Filling</del>	<del>Applicable</del>	<del>Prohibits the discharge of dredged or fill material to waters of the United States unless no other practical alternatives are available which pose less of an adverse impact on the aquatic ecosystem or if it causes significant degradation of the water. Rivers and Harbors Act prevents filling of a navigable water.</del>	<del>If it is determined that a remedial action cannot be limited to areas within the toe-print of the existing landfill, mitigation of any impacted wetlands will be required.</del>
	RCRA (40 CFR 264) Subtitle C Requirements:  40 CFR 264.90-254.101 Subpart F - Ground-Water Protection  40 CFR 264.110-118 Subpart G - Closure/Post Closure Requirements  40 CFR 264.301-264.310; Subpart N - Landfill Requirements  <del>RCRA Proposed Rule 52 FR 8712, 53 FR 51448 Proposed Amendments for Landfill Closures</del>	Relevant and Appropriate  R+A To Be Considered  R+A To Be Considered  R+A To Be Considered  <del>Relevant and Appropriate</del>	Outlines specifications and standards for design, operation, closure, and monitoring of performance for hazardous waste storage, treatment, and disposal facilities.  Ground-water monitoring/corrective action requirements; dictates adherence to MCLs unless ACLs are appropriate and establishes points of compliance.  Establishes requirements for the closure and long-term management of a hazardous disposal facility.  Placement of cap over hazardous waste requires a cover designed and constructed to comply with regulations. Installation of final cover to provide long-term minimization of infiltration. Restricts post-closure use of property, as necessary, to prevent damage to the landfill cover.  <del>Provides an option for the application of alternate closure and post-closure requirements based on a consideration of site-specific conditions including exposure pathways of concern.</del>	Substantive RCRA requirements are considered to be relevant and appropriate, but not applicable, due to identified risks to off-site receptors from wastes placed <del>placed at site</del> and will be met.  Monitoring standards will be met through the implementation of remedial actions. Groundwater monitoring.  Will be considered for containment of the site. Closure/Post-closure requirements will be met.  Substantive RCRA requirements will be considered, if appropriate, based on the specific remedial action. Cap design, cap maintenance and closure/post closure substantive requirements will be met.  <del>Cap and post-closure monitoring designs take into account exposure pathways of concern.</del>
	EPA Technical Guidance Document: Final Covers on Hazardous Waste Landfills and Surface Impoundments (EPA 530-SW-89-047)	To Be Considered	EPA Technical Guidance for landfill covers. Presents recommended technical specifications for multilayer landfill cover design.	Cap design will conform to these standards.

See P. 3

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EACH ALTERNATIVE

TABLE 2-3 ACTION-SPECIFIC ARARs AND TBCs FOR SITE 09 (continued)

AUTHORITY/ ACTION	REQUIREMENT	STATUS	SYNOPSIS	ACTION TAKEN TO MEET ARAR/TBC
Venting/ Discharges to Air (Federal)	Clean Air Act (40 CFR 60) New Source Performance Standards (NSPS) Proposed Subpart WWW-36 FR 24455- 24528 (5/30/91)	To Be Considered  Applicable	Requires Best Demonstrated Technology for new sources, and sets emissions limitations. Proposed Subpart WWW sets a performance standard for non-methane organic compounds emissions of 150 Mg/yr (167 tpy) for existing municipal solid waste landfills.	These standards <sup>will be met</sup> should be considered if a landfill gas management system is required because the thresholds are exceeded.  Insert E
	Clean Air Act (40 CFR 61) National Emissions Standards for Hazardous Pollutants (NESHAP)	To Be Considered	Establishes emissions limitations for hazardous air pollutants and sets forth regulated sources of those pollutants.	<del>Although EPA has not promulgated final Maximum Achievable Control Technology (MACT) standards for municipal landfills, the lead agency should use air control technology to control emissions of hazardous air pollutants. MACT standards prescribe technology that is used by the best 12% of industries in the source category.</del>
	Clean Air Act, Section 5-171 through 178, 42 USC 7471-7478 (Requirements for Non-Attainment Areas)	To Be Determined  Applicable	RI has adopted State Implementation Plan (SIP) requirements (approved and enforceable by EPA) which meet the New Source Review requirement of the CAA. These provisions require that new or modified major sources of VOC (defined as a source which has the potential to emit 50 tpy) install equipment to meet Lowest Available Emissions Rate, which is set on a case-by-case basis and is either the most stringent emissions limitation contained in any SIP for that category or source or the most stringent emissions limitation which is achieved for the source. NSR requirements apply to non-attainment pollutants (i.e., in RI, VOC and NOx).	During the design phase, it will be determined if the requirements of this standard are applicable or relevant and appropriate based on the emissions levels and on the need to be protective of human health and the environment.  Insert F
	Clean Air Act, Section 5-160 through 169A - Prevention of Significant Deterioration Provisions	To Be Determined	RI has adopted SIP requirements (approved and enforceable by EPA) which meet the Prevention of Significant Deterioration (PSD) requirements of the CAA. These provisions require that new or modified major sources of VOC, defined as a source which has the potential to emit 25 tons/year, install equipment to meet Best Available Control Technology. PSD requirements apply to attainment pollutants (i.e., in RI, SO2, CO, lead, and particulates).	During the design phase, it will be determined if the requirements of this standard are applicable or relevant and appropriate based on the emissions levels.  Insert G
	<del>RCRA 40 CFR 265.375 Subpart D Thermal Treatment</del>	<del>Applicable</del>	<del>Establishes requirements for air emissions from thermal treatment units.</del>	<del>Remedial actions which specify thermal treatment units, as defined in 40 CFR 265.370, will meet these standards.</del>
	<del>EPA Technical Guidance Document: Control of Air Emissions from Superfund Air Strippers at Superfund Ground-Water Sites (OSWER 9365-G-28)</del>	<del>To Be Considered</del>	<del>Guidance regarding the control of air emissions from air strippers at Superfund sites for ground-water treatment.</del>	<del>These guidelines will be considered if air stripping is specified as a ground-water treatment alternative.</del>
Treatment (Federal)	<del>RCRA 40 CFR 261.301 Identification and Listing of Hazardous Wastes</del>  INSERT W - p1  INSERT Y - p1	<del>Applicable</del>	<del>Defines those wastes which are subject to regulation as hazardous wastes under 40 CFR 262-265.</del>	<del>Wastes generated during remedial actions will be evaluated to determine if they are listed or characteristic hazardous wastes.</del>

Toxic Substances Control Act (TSCA) (40 CFR 761.125) - EPA Guidelines on Remedial Actions for Superfund Sites with PCB contamination, (OSWER Directive No 9355.4-01 August, 1990)

Relevant and Appropriate  
Applicable  
TBC

Establishes PCB cleanup levels for soils and solid surfaces.  
  
Applicable to spills of materials containing PCB at concentrations of 50 mg/kg or greater that occurred after 4 May 1987. Although landfill operations ceased in 1972, this regulation may still be relevant and appropriate for the development of PCB. Guidance will be considered if thresholds are met

(6)

TABLE 2-3 ACTION-SPECIFIC ARARs AND TBCs FOR SITE 09 (continued)

*each alternative*

AUTHORITY/ ACTION	REQUIREMENT	STATUS	SYNOPSIS	<sup>to be</sup> ACTION TAKEN TO MEET ARAR/TBC
Transportation (Federal)	Department of Transportation Hazardous Materials Transportation Act (HMTA) (49 CFR Parts 171 to 179)	Applicable	Establishes regulations regarding the transportation of hazardous materials.	Will be applicable for remedial actions which include the off-site treatment and/or disposal of affected media.
Dredging (Federal)	Clean Water Act Guidelines for Specification of Disposal Sites for Dredged or Fill Material (Section 404 40 CFR 230)	Applicable	Requires a permit from the Army Corps of Engineers for the discharge of dredged or fill materials into the water of the United States.	Will be applicable for remedial actions which include the removal of affected sediment from Allen Harbor. <i>and substantive requirements will be met</i>
Wetlands Construction (Federal)	Wetlands Construction and Management Requirements (40 CFR 6)	Applicable	Requires the protection of wetlands wherever possible, the minimization of wetlands destruction, and the preservation of the value of wetlands. Promotes the preservation and restoration of wetlands and floodplains.	Applicable for natural resource improvement actions which include the construction of wetlands. <i>covered on p 3</i>
Coastline Remedial Actions (State)	Coastal Resources Management Program	Applicable	Establishes permitting processes and construction criteria for coastline activities.	Applicable for remedial actions which will occur in or alter coastline features or coastal wetlands. <i>covered on p 4</i>
Drainage/ Discharge/ Hydraulic Control (State)	RI Water Pollution Control Act  RI Water Quality Regulations for Water Pollution Control (RIGL 46-12, et seq.) RI Water Quality Standards  Regulations for the RI Pollutant Discharge Elimination System (RIPDES) (RIGL 46-12, et seq.)  Rhode Island Wetlands Laws (RIGL 2-1-28 et seq.); RIDEM Rules Governing the Enforcement of the Freshwater Wetlands Act - as amended, 21 Dec 1986.	Applicable  Applicable  Applicable	Establishes general requirements and effluent limits for discharge to area surface water bodies.  Permits contain applicable effluent (i.e. technology - based and/or water quality - based), monitoring requirements, and standards and special conditions for discharges, including storm water discharges from land disposal facilities which have received industrial waste.  Establishes requirements for protection of freshwater wetlands areas when construction activities are proposed.	In compliance with these regulations, RIPDES requirements pertaining to storm water discharges will be met.  Storm water discharge improvements would be designed to provide compliance with these regulations and drainage/discharge would be monitored in compliance with these regulations.  Construction activities and containment/source control features would be designed to meet these requirements. <i>covered p 4</i>
Capping/ Monitoring (State)	RI Hazardous Waste Management Act of 1978 (RIGL 23-19.1 et seq.) Hazardous Waste Management Rules and Regulations  Section 7  Section 8  Section 9  Section 10	Relevant and Appropriate  Relevant and Appropriate  To Be Considered <i>R+A</i>  To Be Considered <i>R+A</i>  To Be Considered <i>R+A</i>	Rules and regulations for hazardous waste generation, transportation, treatment, storage, and disposal. They incorporate, by reference, the relevant and appropriate and TBC federal RCRA requirements.  Establishes permitting requirements for hazardous waste treatment, storage, and disposal facilities.  Contains requirements for landfill closure, ground-water monitoring, general waste analysis, security procedures, inspections, safety, and training for permit applications for currently operating and future facilities.  Contains operational requirements for treatment, storage, and disposal facilities, including proper management and conditions for tanks, ground- water monitoring, inspections, training, preparedness and prevention, and contingency planning and emergency procedures.  Contains design and operations requirements for land disposal facilities, including landfills.	Substantive requirements applicable to transport, treatment, storage, and disposal of hazardous waste will be met and adhered to.  Remedial actions involving treatment, storage, or disposal of hazardous waste will meet these requirements.  Substantive portions of this section applicable to site containment will be considered <i>met</i> <i>and considered as well</i>  Substantive portions of this section applicable to site containment will be considered <i>will be met</i>  Substantive portions of this section applicable to site containment will be considered <i>will be met</i> <i>will be met</i>

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p 3*

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p 4*

*Insert (X) - from p 2*

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TABLE 2-3 ACTION-SPECIFIC ARARs AND TBCs FOR SITE 09 (continued)

AUTHORITY/ ACTION	REQUIREMENT	STATUS	SYNOPSIS	ACTION TAKEN TO MEET ARAR/TBC
Capping/ Monitoring (State)	RI Refuse Disposal Act Rules and Regulations for Solid Waste Management Facilities  Section 14.12	APPL. To Be Considered	Sets performance standards for solid waste landfill covers.	Design of the final landfill cover will consider these performance criteria.
Venting/ Discharges to Air (State)	RI Clean Air Act (RIGL Title 23, Chapter 23) General Air Quality and Air Emissions Requirements  RI Air Pollution Control Regulations, RI Dept. of Health, Div. of Air Pollution Control, effective 8/2/87, most recently amended 5/20/91  Regulation No. 1 - Visible Emissions  Regulation No. 5 - Fugitive Dust  Regulation No. 7 - Emissions Detrimental to Person or Property  Regulation No. 9 - Approval to Construct, Install, Modify, or Operate  Regulation No. 15 - Control of Organic Solvent Emissions  Regulation No. 17 - Odors  Regulation No. 22 - Air Toxics	Applicable  Applicable  Applicable  Applicable  Applicable  Applicable	No air contaminant emissions are allowed for more than 3 minutes in any one hour which are greater than or equal to 20% capacity.  Requires that reasonable precaution be taken to prevent particulate matter from becoming airborne.  Prohibits emissions of contaminants which may be injurious to human, plant, or animal life or cause damage to property or which reasonably interferes with the enjoyment of life and property.  Establishes guidelines for the construction, installation, modification, operation, or permitting of potential air emission units. Establishes permissible emission rates for contaminants.  Limits the amount of organic solvents emitted to the atmosphere.  Prohibits the release of objectionable odors across property lines.  Prohibits the emission of specified contaminants at rates which would result in ground level concentrations greater than acceptable ambient levels or acceptable ambient levels with LAER, as set in the regulation.	Air emissions from remedial actions will meet this standard.  Onsite remedial actions will use good industrial practices to prevent particulate matter from becoming airborne.  All emissions will meet this requirement or gas treatment will be required.  Technologies involving construction, installation, modification or operation of air emission units will meet these requirements.  If emissions exceed limits in this regulation, emission controls will be designed and implemented to meet these requirements.  No remedial action or air emissions will emit objectionable odors beyond the facility boundary, as practicable.  If air emissions contain regulated substances, air emissions control equipment will be used as necessary to meet these standards.
Dredging (State)	Marine Fisheries Council (RIGL 20-3)  Shellfish Grounds (RIGL 20-8.1)	To Be Determined  To Be Determined	Marine Fisheries Council has regulatory jurisdiction over all marine animal species within the jurisdiction of the state.  Regulates the taking of shellfish.	Applicable to remedial actions which specify the taking of shellfish.  Applicable for natural resource improvements which remove shellfish from waters of polluted areas.