

**TABLE 1-3 (SHEET 1 OF 3)  
PRELIMINARY ACTION-SPECIFIC ARARS AND TBCS**

<b>ACTION</b>	<b>REQUIREMENTS</b>	<b>CITATION</b>	<b>DESCRIPTION</b>	<b>ARAR Or TBC</b>	<b>COMMENT</b>
<i><b>FEDERAL</b></i>					
Generation, Management, and Treatment of Hazardous Waste	Identification and Listing of Hazardous Wastes	40 CFR Part 261	Outlines criteria for determining if a solid waste is a hazardous waste and is subject to regulation under 40 CFR Parts 260-266.	ARAR	These regulations do not set clean-up standards, but could apply during the management of excavated soils.
	Hazardous Waste Determinations	40 CFR Part 262.11	Generators must characterize their wastes to determine if the waste is hazardous by listing (40 CFR 261, Subpart D) by characteristic (40 CFR 261, Subpart C) or excluded from regulation (40 CFR 261.4).	ARAR	Excavated soils may be classified as characteristic or listed hazardous wastes. By-products or residues from the treatment of contaminated soils and groundwater must also be characterized.
	Manifesting	40 CFR 262, Subpart B	Generators must prepare a Hazardous Waste Manifest (EPA form 8700-22) for all off-site shipments of hazardous waste to disposal or treatment facilities.	ARAR	Would apply to all off-site shipments of RCRA/NYSDEC hazardous wastes.
	Recordkeeping	40 CFR 262.40	Generators must retain copies of all hazardous waste manifests used for off-site disposal.	ARAR	Generator must retain copies of waste manifests for a minimum period of three years after shipment date.
	Labeling and Marking	40 CFR 262, Subpart C	Specifies EPA marking, labeling and container requirements for off-site disposal of hazardous waste.	ARAR	Pre-transportation requirements for off-site shipments of hazardous wastes.
	Accumulation Limitations	40 CFR Part 262.34	Allows generators of hazardous waste to store and treat hazardous waste at the generation site for up to 90 days in tanks, containers, and containment buildings without having to obtain a RCRA hazardous waste permit.	ARAR	Hazardous wastes may be stored for up to 90 days on-site without the need to meet storage permit substantive requirements (unless NYSDEC waives the 90-day limit as an administrative requirement).
	RCRA - Treatment, Storage and Disposal of Hazardous Waste	40 CFR 264/265	Specifies requirements for the operation of hazardous waste treatment, storage and disposal facilities.	ARAR	Applicable for on-site hazardous waste treatment and storage and disposal activities.

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Transportation of Hazardous Waste	RCRA - Transportation of Hazardous Waste	40 CFR 263	Specifies requirements for transporters of hazardous waste to obtain an EPA identification number, and comply with manifest and spill response procedures.	ARAR	Applicable for the use of transporters for off-site disposal of hazardous waste.
	USDOT Hazardous Materials Transportation Regulations	49 CFR 171-180	Establishes classification, packaging and labeling requirements for shipments of hazardous materials.	ARAR	Applicable for the preparation of hazardous materials generated on-site for off-site shipment.
Air Emissions from a Point Source	National Ambient Air Quality Standards (NAAQS)	40 CFR Part 50	Establishes ambient air quality standards for protection of public health.	ARAR	NAAQS may be applicable in evaluating whether there are air impacts at the Site during remedial activities.
	New Source Review (NSR) and Prevention of Significant Deterioration (PSD) Requirements	40 CFR Part 52	New sources or modifications which emit greater than the defined threshold for listed pollutants must perform ambient impact analysis and install controls which meet best available control technology (BACT).	ARAR	These regulations are potentially applicable and would require a comparison of potential emissions from a remedial activity to the emission thresholds for NSR.
	National Emission Standards for Hazardous Air Pollutants (NESHAPs)	40 CFR Part 61 40 CFR Part 63	Source-specific regulations which establish emissions standards for hazardous air pollutants (HAPs).	ARAR	NESHAPs may be applicable if emissions from remediation activities exceed the thresholds for compliance.
	New Source Performance Standards (NSPS)	40 CFR Part 6	Source-specific regulations which establish testing, control monitoring and reporting requirements for new emission sources.	ARAR	NSPS could be relevant and appropriate if regulated new sources of air emissions were to be used on site.
Land Disposal of Hazardous Waste	RCRA Subtitle C  Land Disposal Restrictions (LDRs)	40 CFR Section 6901 et seq.  40 CFR Part 268	Restricts land disposal of hazardous wastes that exceed specific criteria. Establishes Universal Treatment Standards (UTSs) to which hazardous wastes must be treated to prior to land disposal. Phase IV rule revision establishes Alternate Treatment Standards for soils containing hazardous wastes.	ARAR	Wastes exhibiting a hazardous characteristic would need to be treated to meet UTS for all hazardous constituents present in the residuals prior to any upland or off-site disposal. Characteristically hazardous soils can be treated to meet the UTS standards or to meet the alternative treatment standards for RCRA hazardous soils.

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Discharges to Surface Water	Clean Water Act Effluent Guidelines and Standards	40 CFR 401	Provides requirements for point source discharges of pollutants.	ARAR	Applicable for discharges of wastewaters to surface water bodies.
	Clean Water Act Stormwater Program	40 CFR 122	Regulates the discharge of stormwater from industrial activities.	ARAR	Applicable for point source discharges of stormwater to surface waters.
Analysis of Solid Waste	EPA Test Methods for Evaluation of Solid Waste	SW-846	Establishes analytical requirements for testing and evaluating solid/hazardous wastes.	TBC	Consider when testing waste samples.
<b>STATE</b>					
Generation, Management, and Treatment of Hazardous Waste	Hazardous Waste Management Regulations	NJAC 7:26G	Provides requirements for the generation, accumulation, on-site management, and transportation of hazardous waste.	ARAR	Applicable for on-site management and disposal of hazardous waste.
	Treatment Works Approvals	NJAC 7:14A-22	Design and construction standards for wastewater treatment systems.	ARAR	Applicable for on-site treatment of wastewater.
	Soil Erosion and Sediment Control	NJSA 4:24	Requires the implementation of soil erosion and sediment control measures for activities disturbing over 5,000 square feet of surface area of land.	ARAR	Applicable for site activities involving excavation, grading or other soil disturbance activities exceeding 5,000 square feet.
	Hazardous Waste Management Regulations	NJAC 7:26G	Provides requirements for the generation, accumulation, on-site management, and transportation of hazardous waste.	ARAR	Applicable for site activities involving excavation, grading or other soil disturbance activities exceeding 5,000 square feet.
Air Emissions from a Point Source	Air Quality Regulations	NJAC 7:27	Provides requirements applicable to air pollution sources.	ARAR	Applicable for the generation and emission of air pollutants.
Analysis of Solid Waste	Technical Requirements for Site Remediation	NJAC 7:26E	Specifies standards for delineation sampling and analysis at remediation sites.	ARAR	Applicable for sampling and analysis of site contaminants.