TABLE 3-3
LOCATION-SPECIFIC ARARs AND TBCs
FEASIBILITY STUDY REPORT
RIVERSIDE INDUSTRIAL PARK SUPERFUND SITE
NEWARK, NEW JERSEY

ARAR/TBC	Regulatory Level	Citation	Brief Description
Clean Air Act, Standards of Performance for New Stationary Sources	Federal	40 CFR Part 60	Air emissions standards apply to owners and operators of stationary sources.
Clean Air Act, National Emission Standards for Hazardous Air Pollutants	Federal	40 CFR Part 61	Provide air quality standards for hazardous air pollutants.
Clean Air Act, National Primary and Secondary Ambient Air Quality Standards (NAAOS)	Federal	40 CFR Part 50	Establishes national ambient air quality standards with respect to health-based criteria.
New Jersey Air Pollution Control Act	State	N.J.A.C. 7:27-22 N.J.S.A. 26:2C	Describes requirements and procedures for obtaining air permits and certificates; rules that govern the emission of contaminants into the ambient atmosphere.
Subsurface and Percolating Waters Act and Well Construction, Maintenance, and Sealing Rules	State	NJSA 58:4A-5 et seq. and N.J.A.C. 7:9D	Requirements for drilling and installing wells, licensing of well driller and pump installer, constructions, and well casing specifications.
New Jersey Pollutant Discharge Elimination System	NJDEP	N.J.A.C. 7:14A	This permit governs the discharge of any wastes into or adjacent to State waters that may alter the physical, chemical, or biological properties of State waters, except as authorized pursuant to a NPDES or State permit.
Administrative Requirement for the Remediation of Contaminated Sites (ARRCS)	State	N.J.A.C. 7:26C	Establishes a new paradigm for the remediation of contaminated sites in New Jersey, including the requirement that a person responsible for conducting the remediation employ a licensed site remediation professional (LSRP) to supervise the remediation.
New Jersey Technical Requirements for Site Remediation	State	N.J.A.C. 7:26E	This regulation provides the minimal technical requirements to investigate and remediate contamination at the site.
New Jersey Freshwater Wetland Protection Act	State	N.J.A.C. 7:7A	Establishes requirements for the protection of freshwater wetlands. Requires permit equivalency for construction within wetland areas.
Flood Hazard Area Control Act Rules	State	N.J.A.C. 7:13	Requires placement of fill, grading and other disturbances within floodplain.
Flood Hazard Area Control Act	State	N.J.A.C. 58: 16A-50	Delineates flood hazard areas and regulates use.
Section 10 of the Rivers and Harbors Act of 1899	Federal	33 U.S.C. § 403, 33 C.F.R. Part 322	Governs coordination with the U.S. Army Corps of Engineers with regard to work at or below mean high water, including management of fill materials and vertical barrier.
Coastal Zone Management Act (CZMA)	Federal	16 U.S.C.§ 1451, et seq. Federal Consistency Regulations, 15 C.F.R. Part 930	This act encourages states to develop coastal management plans to manage competing uses of and impacts to coastal resources, and to manage sources of nonpoint source pollution in coastal waters. The CZMA Federal Consistency Determination provisions require that any federal agency undertaking a project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with the enforceable policies of approved state management programs. Implemented through compliance with substantive requirements of New Jersey Waterfront Development Law and Coastal Zone Management Rules, N.J.A.C. 7:7.
Coastal Zone Management Rules	State	N.J.A.C. 7:7E	This program establishes standards for use and development of coastal resources.
Statement of Procedures on Floodplain Management and Wetlands Protection	Federal	40 C.F.R. Part 6, Appendix A	This Statement of Procedures sets forth Agency policy and guidance for carrying out the provisions of Executive Order (EO) 11988 and EO 11990.

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Applicability
During excavation, treatment, and/or stabilization, air emissions will be properly controlled and monitored to comply with these standards.
During excavation, treatment, and/or stabilization, air emissions will be properly controlled and monitored to comply with these standards.
Potential ARAR for remedial activities which emit contaminants into the atmosphere.
This standard would apply to air emissions from remediation activities performed at the site.
Applicable to active remedial alternatives that include the installation of monitoring wells, extraction wells, or reinjection wells.
Alternative water surface discharge will meet NPDES permit equivalency requirements.
Applicable to active remedial alternatives for supervising the actions taken in accordance with the State of New Jersey technical regulations. Not applicable for a Superfund site.
The regulation will be applied to any hazardous waste operation during remediation of the site.
Potentially applicable for investigation and construction activities performed in the vicinity of a wetland or waterway.
Potential ARAR for remedial activities are located in or near a 100-or 500-year floodplain
Potential ARAR for remedial activities are located in or near a 100- or 500-year floodplain.
On-site activities would be properly conducted to minimize adverse effects.
Remedy will be consistent, to the extent practicable, with enforceable policies of approved state management programs.
Remedy will be consistent with substantive provisions of these regulations.
Remedy will be consistent, to the extent practicable, with these regulations.

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Protection of Wetlands	Federal	Executive Order 11990	This Executive Order prohibits any federally-funded construction projects in wetlands unless there are no practicable alternatives to such construction, and the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.
Policy on Floodplains and Wetlands Assessments for CERCLA Actions	Federal	OSWER Directive 9280.0−02, 1985	Superfund actions must meet the substantive requirements of EO 11988, EO 11990, and 40 C.F.R. Part 6, Appendix A. This memorandum discusses situations that require preparation of a floodplains assessment, and the factors that should be considered in preparing an assessment, for response actions taken pursuant to Section 104 or 106 of CERCLA.
Floodplain Management	Federal	Executive Order 11988, as amended by Executive Order 13690	Federal agencies are required to reduce the risk of flood loss, to minimize the impact of floods, and to restore and preserve the natural and beneficial values of floodplains.
New Jersey Freshwater Wetlands Protection Act Rules	State	N.J.S.A.13:981, N.J.A.C. 7:7A	Regulates construction or other activities (including remedial action) that will have an impact on a river.
New Jersey Flood Area Control Act Rules	State	N.J.A.C. 7:13	Regulates activities (including remedial action) within flood hazard areas that will impact stream carrying capacity or flow velocity to avoid increasing impacts of flood waters, to minimize degradation of water quality, protect wildlife and fisheries, and protect and enhance public health and welfare.
Fish and Wildlife Coordination Act	Federal	16 U.S.C. § 661−666c	Requires consideration of the effects of a proposed action on wetlands and areas affecting streams (including floodplains), as well as other protected habitats. Calls for federal agencies to consult with the United States Fish and Wildlife Service (USFWS) and the appropriate state agency with jurisdiction over wildlife resources prior to issuing permits or undertaking actions involving the modification of any body of water (including impoundment, diversion, deepening, or otherwise controlled or modified for any purpose).
Migratory Bird Treaty Act	Federal	16 U.S.C. 703 et seq.	Prohibits the taking of protected migratory bird species, including individual birds or their nests or eggs, unless otherwise permitted.
National Historic Preservation Act	Federal	54 U.S.C. § 300101, et seq., 36 C.F.R. Part 800	Establishes procedures to provide for preservation of historical and archeological data that might be destroyed through alteration of terrain as a result of a federal construction project or a federally licensed activity or program.

Legend
ARAR - Applicable, Relevant, or Appropriate Requirement
TBC - Advisories, Criteria, and Guidance To Be Considered
C.F.R. − Code of Federal Regulations
EPA − United States Environmental Protection Agency
N.J.A.C. − New Jersey Administrative Code
U.S.C - United States Code
OSWER - Office of Solid Waste and Emergency Response
CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act

Remedy will be consistent, to the extent practicable, with this policy.
Remedy will be consistent, to the extent practicable, with this policy.
The potential effects of any action will be evaluated to ensure that the planning and decision making reflect consideration of flood hazards and floodplains management, including restoration and preservation of natural undeveloped floodplains.
Best management practices will be used to avoid or minimize adverse impact to aquatic habitat, consistent with substantive requirements of N.J.A.C. 7:7A.
This requirement will be evaluated during the development of alternatives along with the planned remedy for actions in flood hazard areas.
EPA will consult with USFS and the state.
To be considered during the development of alternatives.
The RI included a CRS survey with findings of no archeological resource present at the site (RIR, Appendix N).