

Table 12 - Summary of Potential Chemical-Specific ARARs

Standard, Requirement, Criteria, or Limitation	Citation	Potentially Applicable	Potentially Relevant and Appropriate	To Be Considered	Description/Comments
National Primary and Secondary Drinking Water Standards	40 CFR Part 141 and 143	No	No	No	Health-based standards (MCLs) for public drinking water systems. Groundwater is not addressed by this removal action or any proposed removal alternatives.
Oregon Primary Drinking Water Standards	OAR 340.041	No	No	No	Health-based standards (MCLs) for public drinking water systems. Groundwater is not addressed by this removal action or any proposed removal alternatives.
National Pollutant Discharge Elimination System	40 CFR Parts 122, 125	No	No	No	Regulates the discharge of treated effluent and storm water runoff to waters of the U.S. Defer to Oregon Statute ORS 468B.
Oregon Water Pollution Control Statutes	ORS 468B.005-ORS 468B.190	Yes			Address effluent standards, permit requirements for discharges to US waters and minimum Federal water quality criteria. Applicable to the protection of surface water during removal activities.
Federal Water Quality Criteria	40 CFR Part 131	Yes			Sets standards for surface water to protect aquatic organisms and human health. Applicable by reference in ORS 468B.

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State-Wide Water Quality Maintenance Plan; Beneficial uses, Policies, Standards and Treatment Criteria For Oregon	OAR Chapter 340 Division 41	Yes			Regulates the management of the quality of public waters within the State of Oregon. Applicable during removal action activities.
Groundwater Quality Protection Program	OAR Chapter 340 Division 40	Yes			Establishes the mandatory minimum groundwater quality protection requirements for federal and state agencies, cities, counties, industries, and citizens. Applicable to groundwater monitoring of a repository for site tailings.
RCRA Subtitle C	40 CFR Part 261.4(b)(7) and RCRA Section 3001(b) (Bevill Amendment)	Yes			Excludes certain solid waste resulting from mining operations from the definition of hazardous wastes and Subtitle C requirements
Identification and Listing of Hazardous Waste	OAR Chapter 340 Division 101	No	No	No	Identifies those residues which are subject to regulation as hazardous wastes. Waste are exempt under 40 CFR Part 261.4(b)(7)

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Clean Air Act, National Primary and Secondary Ambient Air Quality Standards	42 USC 7401 40 CFR Part 50	Yes			Sets standards on ambient concentrations of carbon monoxide, lead, nitrogen dioxide, PM ₁₀ , ozone and sulfur oxides. Considered applicable by reference through OAR Chapter 340 Division 202
Ambient Air Quality Standards and PSD Increments	OAR Chapter 340 Division 202	Yes			Establish concentrations, exposure time, and frequency of occurrence of an air contaminant or multiple contaminants in the ambient air that must not be exceeded. Applicable to lead and PM ₁₀ ambient air quality during removal activities.
National Emission Standards for Hazardous Air Pollutants <i>Oregon Emission Standards for Hazardous Air Pollutants</i>	40 CFR Part 61 <i>OAR 340.244</i>	No	No	No	Regulates emission of hazardous chemicals to the atmosphere from stationary sources. No stationary sources are part of or consider for this removal action.
Oregon Air Pollution Laws	ORS 468A.005- ORS 468A.085		Yes		Provides a state program with laws governing air pollution control, abatement and prevention. Relevant and appropriate to removal action construction activities.

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BLM Risk Management Criteria	Technical Note 390 rev.			Yes	Suggests acceptable multimedia criteria for heavy metals as they relate to recreational use and wildlife habitat on BLM lands.
Interim Guidance on Establishing Soil Lead Cleanup Levels at Superfund Sites	EPA Directive #9355.4-02, September, 1989			Yes	Suggests levels for lead in soil. This factor would be considered if lead is found in elevated levels in soils remaining after contaminant removal.

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Oregon Mined Land Reclamation Rules	OAR Chapter 632 Division 30		Yes		Regulates permitting of surface mining activities and specifies reclamation plan requirements as part of the permitting process. Though this is applicable to permitting of surface mining activities, minimum standards for reclamation will be part of the removal action plan
Solid Waste: Land Disposal Sites other than MSW Landfills	OAR Chapter 340 Division 95	Yes			Regulates the siting, operation and maintenance of any non-municipal land disposal site. Applicable to the construction and closure of a tailings repository.
Oregon Hazardous Waste Regulations	OAR 340.100 - OAR 340.135		Yes		Regulates the storage and handling of hazardous waste. May be considered relevant and appropriate for off-site disposal at a hazardous waste landfill.
Hazardous Materials Transportation Act	49 USC § 1801-1813 40 CFR 107, 171-177		Yes		Regulates the transportation of hazardous waste. May be considered relevant and appropriate for transportation to a hazardous waste landfill.

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Storage, Treatment and Disposal of Hazardous Waste	ORS Chapter 466		Yes		Regulates the transportation and disposal of hazardous waste. May be considered relevant and appropriate for transportation and off-site disposal at a hazardous waste landfill.
Standards for Owner and Operators of Hazardous Waste TSDF	OAR Chapter 340 Division 104	No	No	No	Establishes minimum State standards which define the acceptable management of hazardous waste.
Criteria for Classification of Solid Waste Disposal Facilities and Practices	40 CFR Part 257		Yes		Establishes criteria for determining which solid waste disposal practices pose threats to human health and the environment. May be considered relevant and appropriate for tailings repository
Criteria for Municipal Solid Waste Landfills	40 CFR Part 258	No	No	No	Establishes criteria for municipal solid waste landfills. Defer to OAR Chapter 340 Division 95
Standards Applicable to Generation of Hazardous Waste	40 CFR Part 262,	No	No	No	Establishes standards for the generation of hazardous waste. Exempt through 40 CFR Part 261.4(b)(7)

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Standards Applicable to Transporters of Hazardous Waste	40 CFR Part 263		Yes		Regulates the transportation of hazardous waste. May be considered relevant and appropriate for transportation and off-site disposal at a hazardous waste landfill.
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	40 CFR Part 264, pursuant to 42 USC § 6924, 6925	No	No	No	General regulations for the design, operation, and maintenance of hazardous waste treatment, storage, and disposal (TSD) facilities.
Federal Mine Safety and Health Act	30 USC §§ 801-962			Yes	Regulates worker safety at active mine sites.
Hazardous Materials Transportation Act, D.O.T. Hazardous Materials Transportation Regulations	49 USC §§ 1801-1813 49 CFR Parts 107, 171-177		Yes		Regulates the transportation of hazardous materials. May be considered relevant and appropriate for transportation and off-site disposal at a hazardous waste landfill.

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Oil and Hazardous Materials Spills and Releases	OAR Chapter 340 Division 108	Yes			Specifies the reporting requirements, cleanup standards and liability that attaches to a spill or release or threatened spill or release involving oil or hazardous material. Specified cleanup standards of hazardous substances apply to removal actions.
Contaminated Sites Action Levels Regulations	OAR Chapter 340 Division 122	Yes			Establish the standards and procedures to be used under ORS 465.200 through 465.455 and 465.900 for the determination of removal and remedial actions necessary to assure protection of the present and future public health, safety and welfare, and the environment in the event of a release or threat of a release of a hazardous substance. Applicable for implementation of the removal action.
Reduction of use of Toxic Substances and Hazardous Waste Generation	ORS 465.200 through 465.455 and 465.900		Yes		Establishes Oregon DEQ removal and remedial action program

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Regulations Pertaining to NPDES and WPCF Permits	OAR Chapter 340 Division 45	Yes			Prescribe limitations on discharge of wastes and the requirements and procedures for obtaining NPDES and WPCF permits from the ODEQ.
Well Construction Standards	OAR Chapter 690 Division 200 and 210	Yes			Provides well construction and maintenance and construction standards applicable to water wells. Applicable to site monitoring wells.

Table 14 - Summary of Potential Location-Specific ARARs

Standard, Requirement, Criteria, or Limitation	Citation	Potentially Applicable	Potentially Relevant and Appropriate	To Be Considered	Description/Comments
National Historic Preservation Act (NHPA)	16 USC § 470 <u>et seq.</u> A portion of 40 CFR § 6.301 (b), 36 CFR Part 63, and Part 800	Yes			Regulates inventory, assessment and consultation on project effects and protection measures for cultural properties on federal lands. Applicable to historic structures found on Site.
Native American Graves Protection and Repatriation Act.	25 U.S.C. 3001-3013 43 CFR Part 10		Yes		Regulations that pertain to the identification, protection, and appropriate disposition of human remains, funerary objects, sacred objects, or objects of cultural patrimony.
The Historic and Archaeological Preservation Act of 1974	16 USC § 469 40 CFR § 6.301(c)	Yes			Establishes procedures to provide for preservation of significant scientific, prehistoric, historic and archeological data
Executive Order 11593	16 USC §§ 461-467 40 CFR § 6.301(a)	Yes			Provides for the inventory and nomination of, historical, and archeological sites..
The Archaeological Resources Protection Act of 1979	43 CFR 7		Yes		Regulates requirements for authorized removal of archeological resources from public or tribal lands.

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Federal Land Policy and Management Act of 1976	43 USC 1701		Yes		Provides for multiple use and inventory, protection, and planning for cultural resources on public lands.
Executive Order No. 11990 Protection of Wetlands	40 CFR § 6.302(a) and Appendix A	Yes			Requires Federal agencies conducting certain activities to avoid, to the extent possible, the adverse impacts associated with the destruction or loss of wetlands and to avoid support of new construction in wetlands if a practicable alternative exists
Executive Order No. 11988 Floodplain Management	40 CFR § 6.302(b) and Appendix A	Yes			Requires Federal agencies to evaluate the potential effects of actions they may take in a floodplain to avoid, to the extent possible, adverse effects associated with direct and indirect development of a floodplain.
Section 404, Clean Water Act (CWA)	33 CFR Part 330	Yes			Regulates discharge of dredge or fill materials into waters of the U.S.

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Fish and Wildlife Coordination Act	40 CFR § 6.302(g)	Yes			Requires coordination with Federal and State agencies to provide protection of fish and wildlife.
Endangered Species Act	50 CFR Parts 17, 402 40 CFR § 6.302(b)		Yes		Regulates the protection of threatened or endangered species and critical habitat
Plants: Wildflowers and Endangered, Threatened, and Candidate Species	OAR Chapter 603 Division 73		Yes		Provide for: protection of certain plants, wildflowers, and shrubs; guidelines on the listing, reclassification, and delisting of plant species as threatened or endangered. There are no known T&E plants at the site.
Wildlife Diversity Program	OAR Chapter 635 Division 100		Yes		Provides rules for maintaining Oregon's wildlife diversity by protecting and enhancing populations and habitats of native wildlife at self-sustaining levels throughout natural geographic ranges.