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RDM Site ARARs and TBCs

Table B-1 Applicable or Relevant and Appropriate Requirements

Standard, Requirement, Criteria, or Limitation	Citation	Description	Potential ARAR or TBC	Alternatives Compliance with ARARs
Location-Specific				
Federal				
Archaeological and Historic Preservation Act of 1974	16 USC 469 40 CFR 6.301(c)	Provides for the preservation of historical and archaeological data that might otherwise be lost as a result of terrain alterations. If any remedial action could cause irreparable loss to significant scientific, pre-historical, or archaeological data, the act requires the agency undertaking the project to preserve the data or request the U.S. Department on the Interior to do so.	Applicable to all Alternatives	All alternatives can be implemented to be compliant.
Historic Sites, Buildings and Antiques Act, Executive Order 11593	16 USC 461 et seq. 36 CFR 62.1 36 CFR 63 40 CFR Part 6.301(a)	Requires federal agencies to consider the existence and location of landmarks on the National Registry of Natural Landmarks to avoid undesirable impacts to such landmarks. This Executive Order provides for the inventory and nomination of historical and archaeological sites. There are no buildings remaining at RDM; therefore, this requirement is not an ARAR.	Not applicable, no structures to be addressed.	All alternatives can be implemented to be compliant.
National Historic Preservation Act	16 USC 470 et seq. 36 CFR 63 and 800 40 CFR 6.301(b)	Requires federal agencies to take into account the effect of any action on any district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places. Regulates inventory, assessment, and consultation on project impacts and protection measures for cultural properties on federal lands. There are no buildings remaining at RDM; therefore, this requirement is not an ARAR.	Not applicable, no structures to be addressed.	All alternatives can be implemented to be compliant.
Archaeological Resources Protection Act of 1979	16 USC 470aa-mm 43 CFR Part 7	Requires permits for excavation of archaeological resources on public or tribal lands.	Applicable only to Alternative 4.	All alternatives can be implemented to be compliant.
Native American Graves Protection and Reparation Act	25 USC 3001-3013 43 CFR 10	Regulations that pertain to the identification, protection, and appropriate disposition of human remains, funerary objects, sacred objects, or objects of cultural patrimony.	Applicable to all alternatives.	All alternatives can be implemented to be compliant.

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Standard, Requirement, Criteria, or Limitation	Citation	Description	Potential ARAR or TBC	Alternatives Compliance with ARARs
Protection of Wetlands, Executive Order 11990	40 CFR 6	Requires federal agencies to avoid adversely impacting wetlands wherever possible, to minimize wetlands destruction, and to preserve the values of wetlands.	Appropriate to all alternatives.	All alternatives can be implemented to be compliant.
Flood Plain Management, Executive Order 11988	40 CFR 6	Requires federal agencies to avoid, to the extent practicable, the long- and short-term adverse impacts associated with the occupancy and modification of flood plains, and to avoid direct and indirect support of flood plain development wherever there is a practicable alternative.	Applicable to all alternatives.	All alternatives can be implemented to be compliant.
Fish and Wildlife Coordination Act	16 USC 1251 661 et seq. 40 CFR 6.302(g)	Requires consultation with the U.S. Fish and Wildlife Service for the protection of fish and wildlife when a proposed action may result in modifications to stream, river, or other surface water of the US.	Applicable	All alternatives can be implemented to be compliant.
Endangered Species Act	16 USC 1531 40 CFR 6.302(b) 50 CFR 17, 402	Provides for the protection of fish, wildlife, and plants that are threatened with extinction. Federal agencies are required under Section 7 of the ESA to ensure that their actions will not jeopardize the continued existence of a listed species or result in destruction of or adverse modification to its critical habitat. If the proposed action may affect the listed species or its critical habitat, consultation with the U.S. Fish and Wildlife Service may be required.	While applicable, no endangered species have been identified with project area.	All alternatives can be implemented to be compliant.
Bald and Golden Eagles Protection Act	16 USC 668	Provides for the protection of bald and golden eagles.	Applicable to all alternatives	All alternatives can be implemented to be compliant.

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Standard, Requirement, Criteria, or Limitation	Citation	Description	Potential ARAR or TBC	Alternatives Compliance with ARARs
State				
Alaska Department of Fish and Game Anadromous Fish Act	AS 16.05.871- .901	Provides for the protection of fish and game habitats in the State of Alaska. Consultation with the Alaska Department of Fish and Game is required for any activities that could impede fish passage or that could divert, obstruct, pollute, or change the natural flow or bed of an anadromous water body. Tidelands (to mean low water at the mouth) are included.	Applicable, action will reduce contaminant loading to Kuskokwim River.	All alternatives can be implemented to be compliant.
Action-Specific				
Federal				
Clean Water Act – National Pollutant Discharge Elimination System	40 CFR 122-125 and 403	Establishes discharge limits and monitoring requirements for direct discharges of treated effluent and stormwater runoff to surface waters of the US. EPA gives states the authority to implement the National Pollutant Discharge Elimination System program.	Applicable as Early Action does address surface water.	All alternatives can be implemented to be compliant.
Clean Water Act, Section 404	33 USC 1344 40 CFR 230 33 CFR 320-330	Restricts discharge of dredged or fill material into surface waters of the US, including wetlands. Requires that if there is no practicable alternative to impacting navigable waters of the US, then the impact must be minimized and unavoidable loss must be compensated for through mitigation on-site or off-site.	Applicable to all alternatives.	All alternatives can be implemented to be compliant.
Clean Water Act – Water Quality Standards	40 CFR 131	Sets criteria for water quality based on toxicity to aquatic organisms and human health. States are given the responsibility of establishing and revising the standards, and the authority to develop standards more stringent than required by Clean Water Act.	Applicable for all alternatives.	All alternatives can be implemented to be compliant.
Resource Conservation and Recovery Act – Criteria for Classification of Solid Waste Disposal Facilities and Practices	40 CFR 257 42 USC 6944	Provides criteria by which solid waste disposal facilities and processes must operate to prevent adverse effects on human health or the environment. Facilities failing to meet these criteria are classified as open dumps, which are prohibited. Any remedial alternative that includes construction of a solid waste disposal facility would have to meet these requirements.	Applicable for all alternatives provided material is removed from the site.	All alternatives can be implemented to be compliant.

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Table B-1 Applicable or Relevant and Appropriate Requirements

Standard, Requirement, Criteria, or Limitation	Citation	Description	Potential ARAR or TBC	Alternatives Compliance with ARARs
Resource Conservation and Recovery Act – Hazardous Waste Management	40 CFR 260 42 USC 6921	Specifies hazardous waste management requirements. Waste at RDM would be classified as hazardous if moved off the site Area of Contamination.	Relevant and Appropriate for waste removal from site.	All alternatives can be implemented to be compliant.
Resource Conservation and Recovery Act – Generator Standards	40 CFR 262 42 USC 6922	Establishes standards for generators of hazardous waste. Waste at RDM would be classified as hazardous if moved off the site Area of Contamination.	Applicable for all alternatives provided material is removed from the site.	All alternatives can be implemented to be compliant.
Resource Conservation and Recovery Act – Treatment, Storage, and Disposal Facility Requirements	40 CFR 264 42 USC 6924	Provides requirements for the generation, transportation, storage, and disposal of hazardous waste, including design and operating standards for hazardous waste treatment, storage, and disposal units. Waste at RDM would be classified as hazardous if moved off the site Area of Contamination.	Relevant and Appropriate provided material is removed from the site.	All alternatives can be implemented to be compliant.
Resource Conservation and Recovery Act – Standards Applicable to Transporters of Hazardous Waste	40 CFR 263 42 USC 6923	Establishes standards for the transportation of hazardous waste within the U.S. if the transportation requires a manifest under 40 CFR Part 262.	Applicable (if offsite disposal included in the remedial action)	All alternatives can be implemented to be compliant.
Hazardous Materials Transportation Act	49 USC 1801-1813 40 CFR 107, 171-173, and 177	Regulates the transportation of hazardous waste on public roads.	Applicable (only if offsite disposal included in the remedial action)	All alternatives can be implemented to be compliant.
Invasive Species, Executive Order 13112		Prevents the introduction of invasive species and provides guidance for their control.	Applicable, but no restoration is planned for this site.	All alternatives can be implemented to be compliant.

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Table B-1 Applicable or Relevant and Appropriate Requirements

Standard, Requirement, Criteria, or Limitation	Citation	Description	Potential ARAR or TBC	Alternatives Compliance with ARARs
State				
Alaska Solid Waste Regulations	18 AAC 60.007 18 AAC 60.010(a) 18 AAC 60.015 18 AAC 60.025(b) 18 AAC 60.210(b)(3),(5),(6),(7) 18 AAC 60.217 18 AAC 60.220(1) 18 AAC 60.225 18 AAC 60.233(1) 18 AAC 60.330 18 AAC 60.410 18 AAC 60.490	Provides standards for management of solid waste, including requirements pertaining to accumulation, storage, treatment, transport, disposal, land spreading, landfills, monofills, monitoring, and corrective action.	Applicable for all action alternatives.	All alternatives can be implemented to be compliant.
Alaska Anti-Degradation Water Quality Standards	18 AAC 70.015	Specifies that actions may not degrade water that is higher in quality than Ambient Water Quality Criteria unless approval is received from the Alaska Department of Environmental Conservation.	Applicable.	All alternatives can be implemented to be compliant.
Alaska Wastewater Disposal Regulations	18 AAC 72.600(c) and (e)	Governs nondomestic wastewater discharges.	Applicable (if wastewater is generated as part of the remedial action), for all alternatives	All alternatives can be implemented to be compliant.
Alaska Oil and Other Hazardous Substances Pollution Control	18 AAC 75.355(b),(c) and (d) 18 AAC 75.360(2),(3),(4)(c),(6),(7),(8) 18 AAC 75.370	Provides operation and reporting requirements for the cleanup of oil or other hazardous substance releases, including standards and guidance for site characterization, cleanup levels, and risk assessment.	Applicable to all alternatives.	All alternatives can be implemented to be compliant.

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Table B-1 Applicable or Relevant and Appropriate Requirements

Standard, Requirement, Criteria, or Limitation	Citation	Description	Potential ARAR or TBC	Alternatives Compliance with ARARs
Alaska Pollutant Discharge Elimination System Program	18 AAC 83	Establishes a program for controlling stormwater discharges from inactive mine sites.	Applicable for all alternatives during construction activities.	All alternatives can be implemented to be compliant.

- Key:
- AAC = Alaska Administrative Code.
 - ADEC = Alaska Department of Environmental Conservation.
 - ARAR = Applicable or Relevant and Appropriate Requirements.
 - AS = Alaska Statutes.
 - ATSDR = Agency for Toxic Substances and Disease Registry.
 - CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act.
 - CFR = Code of Federal Regulations.
 - EPA = U.S. Environmental Protection Agency.
 - RCRA = Resource Conservation and Recovery Act.
 - RDM = Red Devil Mine.
 - TBC = To Be Considered.
 - USC = United States Code.

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