

**Appendix A**  
**Applicable or Relevant and Appropriate Requirements**



# Appendix A

## A.1 APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS

Table A-1. Potential chemical-specific applicable or relevant and appropriate requirements and requirements to be considered.

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>
<b>Air</b>				
Idaho Code, Sections 39-105 and 39-107	Idaho Toxic Air Pollutants (IDAPA 58.01.01.585 and .586)	The release of carcinogenic and non-carcinogenic contaminants into the air must be estimated before the start of construction, controlled if necessary, and monitored during excavation and sorting of soil. Screening emission levels and acceptable ambient concentrations (AAC) for non-carcinogens are provided.	The requirements of Idaho's toxic air pollutants have been determined to be applicable because carcinogenic and non-carcinogenic air contaminants may be present.	A
Idaho Code, Sections 39-105 and 39-107	Idaho Ambient Air Quality Standards for Specific Air Pollutants (IDAPA 58.01.01.577)	These standards establish ambient air quality standards for particulate matter, sulfur oxides, ozone, nitrogen dioxide, fluorides and lead.	The requirements of Idaho's ambient air pollutants have been determined to be applicable because these pollutants may be present.	A
National Emission Standards for Hazardous Air Pollutants (NESHAPs) (42 USC 7412 <i>et seq.</i> )	National Emission Standards for Hazardous Air Pollutants (40 CFR 61.01 through 61.17 Subpart A)	This regulation provides general requirements for facility operations that emit regulated hazardous air pollutants. The regulation applies to any stationary source for which a standard has been prescribed.	These requirements are applicable to remedial actions that have the potential to release hazardous air emissions to unrestricted areas.	A
NESHAPs (42 USC 7412 <i>et seq.</i> )	Radionuclide Emissions from Department of Energy (DOE) Facilities (40 CFR 61.90 through 61.97 Subpart H)	Emission of radionuclides to the ambient air from DOE facilities will not exceed those amounts that would cause any member of the public to receive in any year an effective dose equivalent of 10 mrem/year (40 CFR 61.92).	This emission requirement is applicable because radionuclide contaminants are present.	A

Table A-1. (continued).

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>
To Be Considered				
Radiological Protection	Radiation Protection of the Public and the Environment (DOE Order 5400.5)	This DOE Order establishes standards for DOE operations with respect to protection of the public and the environment against undue risk to radiation. This order sets limits for the annual effective dose equivalent at 100 mrem from all exposure pathways, but allows 500 mrem if avoidance of higher exposure is impractical. An annual effective dose equivalent from drinking water supplies operated by DOE is set at 4 mrem and states that liquid effluent from DOE activities will not cause public drinking water systems to exceed EPA MCLs.	This DOE Order is TBC because it addresses radioactive contaminants of concern at the site. It is not an ARAR because it is not a formally promulgated regulation. Compliance with DOE orders is required at WAG 7.	TBC
Radiological Protection	Establishment of Cleanup Levels for CERCLA Sites with Radioactive Contamination, August 22, 1997 (EPA OSWER No. 9200.4-18)	This memorandum presents clarification for establishing protective cleanup levels for radioactive contamination at Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites. EPA has determined that the dose limits established in the Nuclear Regulatory Commission (NRC) Radiological Criteria for License Termination (62 FR 39058, July 21, 1997) (25 mrem/year which is equivalent to $5 \times 10^{-4}$ increase lifetime risk) will not provide a protective basis for establishing preliminary remediation goals (PRGs) under CERCLA. A dose of 15 mrem/year effective dose equivalent (equivalent to $3 \times 10^{-4}$ increase lifetime risk) should generally be the maximum dose limit for humans.	This memorandum is a TBC because it addresses radioactive contaminants of concern at the site. It is not an ARAR because it is not a formally promulgated regulation. The cleanup level identified in this memorandum, though a TBC is considered by EPA to be more protective than NRC standards and should be considered in setting media cleanup standards.	TBC

a. A=Applicable requirement, RA=Relevant and appropriate requirement, TBC=Requirement to be considered.+ IDAPA=Idaho Administrative Procedures Act; EPA=Environmental Protection Agency; MCL=Maximum Contaminant Level; OSWER=Office of Solid Waste and Emergency Response

Table A-2. Potential Location-Specific ARARs and TBCs.

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>
Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001 <i>et seq.</i> , P.L.101-601)	Native American Graves Protection and Repatriation Regulations (43 CFR 10)	These regulations require the protection of Native American burial sites and funerary objects. If Native American graves are discovered within remediation areas, project activities must cease and consultation must take place between the U.S. Department of Interior and the affected tribe.	These regulations are applicable if Native America human remains or burial objects are discovered where remedial activities are being conducted.	A
National Historic Preservation Act of 1966 (16 USC 470 <i>et seq.</i> )	Protection of Historic Properties (36 CFR Part 800; 40 CFR 6.301(b); Executive Order 11593; National Historic Landmarks Program (36 CFR Part 65); National Register of Historic Places (36 CFR Part 60)	The National Historic Preservation Act and its implementing regulations require that historically significant properties be protected. The act requires that agencies undertaking projects must evaluate impacts to properties listed on or eligible for inclusion on the National Register of Historic Places. The National Register of Historic Places is a list of sites, buildings, or other resources identified as significant to United States history. An eligibility determination provides a site the same level of protection as a site listed on the National Register of Historic Places. The regulations implementing the act require that the lead agency for a project identify, evaluate, and determine the effects of the project on any cultural resource sites that may be within the area impacted by the project. The implementing regulations require that negative impacts be resolved.	This regulation is applicable to remedial actions at WAG 7 if buildings/structures near WAG 7 are eligible for the National Register of Historic Places.	A
Archeological and Historic Preservation Act of 1974 (16 USC 469 <i>et seq.</i> )	Preservation of Historic, Prehistoric, and Archeological Data (40 CFR 6.301[c])	This act requires that actions conducted at the site must not cause the loss of any archeological and historic data. This act mandates preservation of the data and does not require protection of the actual facility. Where a site is determined to be eligible for the National Register and mitigation is unavailable, artifacts and data will be recovered and preserved prior to commencement of the remedial action.	This requirement is applicable if archeological or historic sites are identified within WAG 7.	A

Table A-2. (continued).

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>
Archaeological Resources Protection Act of 1979 (16 USC 470aa -ii)	Protection of Archaeological Resources (43 CFR 7)	Federal agencies must identify possible effects of proposed remedial activities on historic properties (cultural resources). If historic properties or landmarks eligible for, or included in, the National Register of Historic Places exist within remediation areas, remediation activities must be designed to minimize the effect on such properties or landmarks.	This regulation is applicable to remedial actions at WAG 7 if buildings/structures near WAG 7 are potentially eligible for the National Register of Historic Places.	A
Idaho Preservation of Historic Sites (Idaho Statute 67-4601 <i>et seq.</i> ) and Idaho State Historical Society (Idaho Statute 67-4113 <i>et seq.</i> )	Preservation of Historic Sites (Idaho Statute 67-4601 <i>et seq.</i> ) and Idaho State Historical Society (Idaho Statute 67-4113 <i>et seq.</i> )	This regulation covers historical sites and historical districts within the state of Idaho and the excavation of archaeological resources. The State Historical Society publishes the National Register of Historic Places for Idaho.	These statutes may be applicable if historical sites or archaeological resources are present.	A
Endangered Species Act of 1973 (16 USC 1531 <i>et seq.</i> )	Protection of Endangered Species (50 CFR 402; 40 CFR 6.302[h])	This Act protects endangered or threatened species and their habitat. If endangered or threatened species are in the vicinity of remediation work, U.S. Fish and Wildlife Service (USFWS) must be consulted and the remediation activities must be designed to conserve endangered or threatened species and habitats.	The Endangered Species Act is applicable if threatened or endangered species are identified in areas where remedial activities will occur.	A
Fish and Wildlife Coordination Act (16 USC 661 <i>et seq.</i> )	<b>Protection of Fish and Wildlife</b> (40 CFR 6.302 [g])	These rules require consultation with the USFWS (and State of Idaho Department of Fish and Game) when any federal department or agency proposes or authorizes any modification of stream or other water body greater than 10 hectares, and provide adequate provisions for protection of fish and wildlife resources. Certain remedies may result in the temporary or permanent modification of naturally occurring water bodies and may require the construction of mitigated wetlands in other areas.	These rules are applicable if any modification of stream or other water body greater than 10 hectares is proposed.	A

Table A-2. (continued).

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>
Idaho Classification and Protection of Wildlife (Idaho Statute 36-201)	Rules for Classification and Protection of Wildlife (IDAPA 13.01.06)	The Idaho Department of Fish and Game classifies wildlife as game, protected nongame, endangered, threatened, and species of special concern. None of the protected nongame, species of special concern, threatened, or endangered species may be taken or possessed, except as provided by Idaho Fish and Game.	These rules are applicable if protected wildlife are present in the area.	A
Executive Order 11988 Flood Plain Management (May 24, 1997)	Compliance with Flood-Plain/Wetlands Environmental Review Requirements (10 CFR 1022)	This regulation requires DOE and other Federal agencies to comply with the requirements of Executive Order 11990, <i>Protection of Wetlands</i> , and Executive Order 11988, <i>Flood-Plain Management</i> . Executive Order 11988 requires DOE procedures to ensure that any actions conducted in a flood plain consider flood hazards. Executive Order 11990 requires the protection of wetlands from destruction. The executive orders require that federal agencies implement these considerations through existing federal requirements, such as National Environmental Policy Act (NEPA) requirements. This regulation specifies that DOE prepare a flood-plain/wetlands assessment that includes a discussion of purpose and need, a project description, location of wetlands with respect to the project, high hazard areas located in the flood plain, and potential positive and negative effects on flood plains/wetlands. The assessment is also to include descriptions of alternatives to the proposed action that may be necessary to avoid potential negative impacts. The flood-plain/wetlands assessment would be prepared concurrent with and incorporated into the feasibility study, as necessary.	Though WAG 7 has not been officially designated by DOE as a flood plain, past flooding events demonstrate that these regulations may be applicable. There are no wetlands onsite.	A
NEPA (42 USC 4321 <i>et seq.</i> )	Protection of Flood Plains (Executive Order 11988; 40 CFR 6.302[b]; 40 CFR 6, Appendix A)	Requires federal agencies to evaluate the potential effects of action they may take in a flood plain to avoid the adverse impacts associated with direct and indirect development of a flood plain.	<b>The location standards established for hazardous waste management facilities are relevant and appropriate to remedial actions at WAG 7 because of the potential for periodic floodings.</b>	RA

Table A-2. (continued).

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>
Resource Conservation and Recovery Act (RCRA) of 1976, (42- USC 6901)	Remediation Sites Located within 100-Year Flood Plains (40 CFR 264.1[j][7])	For remediation waste management sites subject to regulation under 40 CFR 264 Subparts I through O and Subpart X, the treatment, storage, and disposal facility (TSDF) owner/operator must design, construct, operate, and maintain a unit within a 100-year flood plain to prevent washout of any hazardous waste by a 100-year flood, unless the owner/operator can meet the demonstration of § 264.18(b).	This requirement is applicable because WAG 7 is a remediation waste management site subject to potential floodings.	A
RCRA (42 USC 6901)	Location Standards for TSDFs Located within Flood Plains (40 CFR 264.18[b])	The regulations require that waste management facilities located within a 100-year flood plain meet specific design standards for protection against floods. Facility operators have the option to demonstrate that facility procedures ensure that waste will be removed prior to flood waters reaching the facility or that no adverse effects to human health or the environment will result if the facility floods.	The location standards established for hazardous waste management facilities are applicable to remedial actions at WAG 7 because of the potential for periodic floodings.	A

a. A=Applicable requirement, RA=Relevant and appropriate requirement, TBC=Requirement to be considered. IDAPA=Idaho Administrative Procedures Act; WAG=Waste Area Group;

Table A-3. Potential Action-Specific ARARs and TBCs.

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>
<b>Water</b>				
Idaho Code, Sections 39-105, 39-107, 39-120 and 39-126	Idaho Groundwater Quality Rule Policies (IDAPA 58.01.11.006)	It is the policy of the State of Idaho to maintain and protect existing high quality of the state's groundwater. Existing and projected future beneficial uses of groundwater shall be maintained and protected, and degradation that would impair existing and projected future beneficial uses of groundwater and interconnected surface water shall not be allowed.	These requirements are applicable because discharge from the Site may potentially impact groundwater and surface quality of the state.	A
Clean Water Action of 1977 (33 USC 121 <i>et seq.</i> )	National Pollutant Discharge Elimination System (NPDES) (40 CFR 122.26)	This section of the NPDES regulation requires industrial facilities to obtain an NPDES stormwater discharge permit. Substantive requirements include monitoring and implementation of best management practice for stormwater discharges from construction activities.	The Idaho National Engineering and Environmental Laboratory has a general storm-water discharge permit. A project-specific storm-water pollution plan is required for construction activities that occur at WAG 7.	A
RCRA (42 USC 6901)	Standards for Owners and Operators of TSD Facilities – General Groundwater Monitoring (40 CFR 264.97)	These standards provide for the implementation of a groundwater monitoring program capable of determining the facility's impact on the groundwater in the uppermost aquifer underlying the facility.	Groundwater monitoring programs are applicable because hazardous constituents are present and may impact groundwater quality.	A
Idaho Code, Section 37-2101, 39-101	Public Drinking Water Systems (IDAPA 58.01.08)	This rule establishes requirements to control and regulate the design, construction, operation, maintenance, and quality control of public drinking water systems. Sections of the 40 CFR Parts 141 and 143 are incorporated by reference.	This rule is applicable if new drinking water source is developed in support of remedial activities.	A
Idaho Code, Section 39-101	Wastewater-Land Application Permit Rules	These rules establish the procedures and requirements for the issuance and maintenance of pollution source permits for the treatment of municipal and industrial wastewaters by application to land.	This rule is applicable if wastewater generated from remedial activities is applied on land.	A

Table A-3. (continued).

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>	
Idaho Code, Section 42-238	Well Construction Standards Rule (IDAPA 37.03.09)	This rule requires that provision be made for regulating water well construction. The rule contains minimum standards for constructing and abandoning cold water wells, health standards, and drilling permit requirements.	This rule is applicable if groundwater wells are constructed as part of the remedial actions.	A	
<b>Air</b>					
A-10	Idaho Code, Sections 39-105 and 39-107	Idaho Toxic Substances (IDAPA 58.01.01.161)	Any contaminant which is toxic to human or animal life or vegetation will not be emitted in quantities or concentrations as to injure or affect human or animal life or vegetation.	This requirement is applicable because hazardous contaminants are present in WAG 7.	A
	Idaho Code, Sections 39-105 and 39-107	Idaho Polychlorinated Biphenyls (PCBs) (IDAPA 58.01.01.164)	This section prohibits the burning of any material containing greater than 5 ppm PCBs, except for incineration for the purpose of disposal. A permit is required for constructing or modifying a PCB incinerator. The use of best available control technology and monitoring instrumentation is required.	This requirement is applicable if materials containing greater than 5 ppm of PCBs are incinerated.	A
	Idaho Code, Sections 39-105 and 39-107	Idaho Demonstration of Preconstruction Compliance with Toxic Standards (IDAPA 58.01.01.210)	A new or modified stationary source must demonstrate preconstruction compliance with all applicable local, state, or federal emission standards, National Ambient Air Quality Standards, and toxic air pollutants listed in IDAPA 58.01.01. 585 and 586. For remediation sources subject to CERCLA, if the estimated ambient concentration at the point of impact is greater than the acceptable ambient impacts listed in Sections 585 and 586, Best Available Control Technology shall be applied and operated until the estimated uncontrolled emissions from the remediation source are below the acceptable ambient concentration (IDAPA 58.01.01.210.16).	This requirement is applicable if new or modified stationary sources of air pollutants are constructed.	A
	Idaho Code, Sections 39-105 and 39-107	Requirements for Portable Equipment (IDAPA 58.01.01.500.02)	Portable equipment for sorting and removing the soils, and any portable support equipment must be operated to meet state and federal air emissions rules.	These requirements are applicable if portable equipment is used to handle hazardous materials.	A

Table A-3. (continued).

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>
Idaho Code, Sections 39-105 and 39-107	Idaho Prevention of Significant Deterioration Increments (IDAPA 58.01.01.581)	This section establishes the allowable degree of deterioration for the areas within the State of Idaho that have air quality better than ambient standards. Maximum allowable increases for particulates, sulfur dioxide, and nitrogen oxide are established for areas designated as Class I, II, or III.	This requirement is applicable if remedial action results in significant deterioration of ambient air quality.	A
Idaho Code, Sections 39-105 and 39-107	Idaho Visible Emissions (IDAPA 58.01.01.625)	Discharge of any air pollutant into the atmosphere from any point of emission for a period or periods aggregating more than 3 minutes in any 60 minute period which is greater than 20% opacity is prohibited.	This requirement is applicable if remedial action results in increase in opacity.	A
Idaho Code, Sections 39-105 and 39-107	Idaho Fugitive Dust (IDAPA 58.01.01.650, 651)	These standards require control of dust at all times, especially during excavation, sorting, and removal of soil.	The fugitive dust requirements are applicable if fugitive dust is generated during remediation.	A
Idaho Code, Sections 39-105 and 39-107	Idaho Fuel Burning Equipment – Particulate Matter (IDAPA 58.01.01.675 through 681)	These sections establish particulate matter emission standards for fuel burning equipment.	This requirement is applicable if fuel burning equipment is used.	A
Idaho Code, Sections 39-105 and 39-107	Idaho Particulate Matter – Process Equipment Emission Limitations on or after July 2, 2000 (IDAPA 58.01.01.710)	These requirements establish particulate matter emission limitations for nonfugitive emissions from process equipment. These requirements apply to process equipment operating on or after July 1, 2000.	This requirement is applicable if nonfugitive emissions are generated from process equipment.	A
Idaho Code, Sections 39-105 and 39-107	Idaho Rules for Sulfur Content (IDAPA 58.01.01.725)	This section establishes requirements to prevent excessive ground level concentrations of sulfur dioxide from fuel burning sources in Idaho.	This requirement is applicable if sulfur dioxide from fuel burning sources is emitted.	A

Table A-3. (continued).

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>
Idaho Code, Sections 39-105 and 39-107	Idaho Rules for Control of Incinerators (IDAPA 58.01.01.785)	This section establishes requirements to prevent excessive emissions of particulate matter from incinerators.	This requirement is applicable if incinerator is constructed and operated on site.	A
Clean Air Act of 1977 (42 USC 7401 <i>et seq.</i> )	<b>Standards of Performance for New Stationary Sources</b> (40 CFR 60)	These requirements provide standards for new stationary sources or modification of existing sources.	These requirements are applicable if remedial actions include new or modification of existing stationary sources.	A
Clean Air Act of 1977 (42 USC 7401 <i>et seq.</i> )	<b>National Emission Standards for Hazardous Air Pollutants</b> (40 CFR 61)	This regulation provides general requirements for facility operations that emit regulated hazardous air pollutants. The regulation applies to any stationary source for which a standard has been prescribed.	These requirements are applicable to remedial actions that have the potential to release hazardous air emissions to unrestricted areas.	A
Clean Air Act of 1977 (42 USC 7401 <i>et seq.</i> )	Radionuclide Emission Monitoring (40 CFR 61.93)	Monitoring is required at release points that have potential to discharge radionuclides which could causes an Effective Dose Equivalent (EDE) in excess of 1% of the standard (0.1 mrem/year) to any member of the public.	These monitoring requirements are applicable because radionuclide contaminants are present.	A
Clean Air Act of 1977 (42 USC 7401 <i>et seq.</i> )	Radionuclide Emission Compliance (40 CFR 61.94[a])	Compliance with radioactive contamination release standards will be determined by calculating the highest effective dose equivalent to any member of the public at any offsite point where there is a residence, school, business or office. Submittal of annual monitoring reports is also required.	These requirements are applicable because radionuclide contaminants are present.	A

Table A-3. (continued).

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>
Clean Air Act of 1977 (42 USC 7401 <i>et seq.</i> )	National Emission Standards for Asbestos, Standard for Demolition and Renovation (40 CFR 61.145 through 150)	This section specifies that facilities are to be inspected for the presence of asbestos prior to demolition. The standard defines regulated asbestos-containing materials and establishes removal requirements based on quantity present and handling requirements. These requirements also specify handling and disposal requirements for regulated sources having the potential to emit asbestos. Specifically, no visible emissions are allowed during handling, packaging, and transport of asbestos-containing materials.	These requirements are applicable if remedial actions require demolition of buildings or structures containing regulated asbestos-containing materials or such materials are exhumed from the ground.	A
Clean Air Act of 1977 (42 USC 7401 <i>et seq.</i> )	National Emissions Standards for Hazardous Air Pollutants (NESHAPs) for Source Categories (40 CFR 63)	These standards regulate specific categories of stationary sources that emit (or have the potential to emit) one or more hazardous air pollutants. Subpart EEE (40 CFR 63.1200 through 1213), NESHAP for Hazardous Waste Combustors (which include hazardous waste burning incinerators, cement kilns, and lightweight aggregate kilns) establishes the Maximum Achievable Control Technology (MACT) standards for chlorinated dioxins and furans, mercury, particulate matter, semivolatile metals, low volatile metals, hydrogen chloride, and chlorine gas (combined), carbon monoxide, hydrocarbons, and destruction and removal efficiency. MACT standards for Site remediation as a source category are in the process of being proposed.	The substantive portions of this regulation are applicable if remedial actions include on-Site hazardous waste burning incinerators.	A
Clean Air Act of 1977 (42 USC 7401 <i>et seq.</i> )	National Ambient Air Quality Standards (40 CFR 50)	These requirements establish ambient air quality standards for emissions of criteria pollutants such as lead and particulate matter. Specific release limits for particulate matter is set at 50 $\mu\text{g}/\text{m}^3$ annually or 150 $\mu\text{g}/\text{m}^3$ per 24-hour period.	These standards are applicable to any airborne release of criteria pollutants that may be generated during remedial activities.	A

Table A-3. (continued).

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>
<b>Hazardous Materials</b>				
Oil Pollution Act of 1990 (33 USC 1321 and 1361)	Oil Pollution Prevention (40 CFR Part 112)	This part establishes procedures, methods and equipment, and other requirements for equipment to prevent the discharge of oil from non-transportation-related onshore and offshore facilities not or upon the navigable waters of the U.S. or adjoining shorelines.	This regulation is applicable because there is the potential of discharge of oil into the Big Lost River from WAG 7 during remedial activities.	A
Resource Conservation and Recovery Act of 1976 (RCRA) (42 USC 6901), Hazardous Waste Management Act of 1983 (Idaho Code, 39-4401 <i>et seq.</i> ) and Hazardous Waste Facility Siting Act of 1985 (Idaho Code, 39-5801 <i>et seq.</i> )	Land Disposal Restrictions (40 CFR 268 and IDAPA 58.01.05.011)	These requirements prohibit the placement of restricted RCRA hazardous waste in land-based units such as landfills, surface impoundments, and waste piles until treated to standards considered protective for disposal. Specific treatment standards are included in requirements.	These requirements are applicable to the treatment and disposal of RCRA hazardous waste from WAG 7 if placement of restricted wastes occur.	A
Toxic Substances Control Act (TSCA) of 1976 (15 USC 2601 <i>et seq.</i> )	Polychlorinated Biphenyls (PCBs) Storage and Disposal (40 CFR 761 Subpart D)	These requirements identify soil remediation standards for sites contaminated with PCBs. Specific requirements include disposal of PCB remediation waste, storage for disposal of PCBs, PCB incinerator and chemical landfill technical requirements, decontamination and manifesting of PCB waste offsite.	These requirements are applicable in setting PCB media cleanup standards and disposal requirements if the TSCA waste is retrieved, treated, and reburied on site.	A

Table A-3. (continued).

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>
RCRA (42 USC 6901)	Hazardous Waste Identification and Listing of Hazardous Waste (40 CFR 261)	These requirements specify that a solid waste is hazardous if it exhibits any of the characteristics of a hazardous waste, i.e., ignitability, corrosivity, reactivity, and toxicity as determined by a toxicity characteristic leaching procedure (TCLP). A solid waste is managed as a hazardous waste if it is a “listed” waste under 40 CFR 261 Subpart D.	These requirements are applicable because potentially hazardous wastes are present.	A
RCRA (42 USC 6901)	Generator Standards (40 CFR 262)	These requirements specify accumulation periods, packaging, training, emergency preparedness planning, and recordkeeping procedures.	Regulatory requirements for facilities that generate hazardous waste are applicable if WAG 7 remedial actions involve generation and off-Site disposal of hazardous waste.	A
RCRA (42 USC 6901)	General Facility Standards for Owners and Operators of Remediation Waste Management Sites (40 CFR 264.1[j][1] through [13])	Requirements of 40 CFR 264 Subparts B (General Facility Standards), C (Preparedness and Prevention), and D (Contingency Plan and Emergency Procedures), and 264.101 (Corrective Action for Solid Waste Management Units) do not apply to remediation waste management sites. Owner/operators of remediation waste sites will be able to meet general performance standards if they comply with 264.(j)(1) through (13).	These requirements are applicable because WAG 7 is considered as a remediation waste site.	A

Table A-3. (continued).

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>
RCRA (42 USC 6901)	Standards for Owners and Operators of TSD Facilities (40 CFR 264) (IDAPA 58.01.05)	This regulation sets standards for owners and operators of hazardous waste treatment storage, and disposal facilities. Standards include general facility requirements (Subpart B), preparedness and prevention (Subpart C), contingency plan and emergency procedures (Subpart D), releases from Solid Waste Management Units (Subpart F), closure and post closure requirements (Subpart G), use and management of containers (Subpart I), tank systems (Subpart J), surface impoundment (Subpart K), waste piles (Subpart L), landfills (Subpart N), incinerators (Subpart O), corrective action for solid waste management units (Subpart S), miscellaneous units (Subpart X), and air emission standards for process vents (Subpart AA), equipment leaks (Subpart BB), and tanks, surface impoundments, and containers (Subpart CC), and containment buildings (Subpart DD).	Regulatory requirements for owners and operators of hazardous waste storage, treatment, or disposal facilities are applicable if a new hazardous waste treatment facility will be constructed on site.	A
To Be Considered				
Radiological Protection	Radioactive Waste Management (DOE Order 435.1)	The objective of DOE Order (DOE O 435.1) is to ensure that all DOE radioactive waste is managed in a manner that is protective of the worker, public health and safety, and the environment. The Radioactive Waste Management Manual (DOE M 435.1) establishes specific responsibilities for implementing radioactive waste management practices for DOE's high-level waste, transuranic waste, low-level waste, and the radioactive component of mixed waste. The Waste Management Manual catalog's existing procedures and practices that ensure all DOE elements and contractors continue to manage DOE's radioactive waste in a manner protective of the worker, public health and safety, and the environment. The Radioactive Waste Management Guide (DOE G 435.1) provides suggestions and acceptable ways of implementing DOE O 435.1.	The DOE Order is TBC because it addresses residual radioactive material. Compliance with DOE orders is required at the WAG 7.	TBC

Table A-3. (continued).

Category/ Statute	Citation	Identification of Requirement	Rationale for Use	Relevancy <sup>a</sup>
Radiological Protection	Guidance for a Composite Analysis of the Impact of Interacting Source Terms on Radiological Protection of the Public from DOE Low-Level Waste Disposal Facilities (DOE 1996)	The Composite Analysis provides an estimate of the cumulative radiological impacts from active and planned low-level radioactive waste disposal actions and other potentially interacting radioactive waste disposal sources that will remain following closure.	This Guidance from DOE is TBC if radiological contaminants are left in place. Compliance with DOE orders is required at the WAG 7.	TBC
Radiological Protection	Joint NRC/EPA Guidance on Testing Requirements for Mixed Radioactive and Hazardous Waste (FR Vol. 62, No. 224, November 20, 1997)	This guidance document specifies testing requirements for mixed low-level radioactive and hazardous waste. The guidance emphasizes the use of process knowledge to determine if a waste is hazardous and offers two strategies for helping to maintain radiation exposure as low as reasonably achievable (ALARA) if testing is required.	This TBC guidance document is intended for NRC licensees. However, it can also be used to address testing requirements for mixed low-level waste present on-Site.	TBC

a. A = Applicable requirement; RA = Relevant and appropriate requirement; TBC = Requirement to be considered.  
WAG=Waste Area Group; IDAPA=Idaho Administrative Procedures Act; TSD=treatment, storage, and disposal (facility);



## A.2 REFERENCES

- 10 CFR 20,1993, Appendix B, Table 2, “Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage,” *Code of Federal Regulations*, Office of the Federal Register, December 22, 1993.
- 10 CFR 1022, 1995, “Compliance with Flood-Plain/Wetlands Environmental Review Requirements,” *Code of Federal Regulations*, Office of the Federal Register, January 1, 1995.
- 36 CFR 60, 1981, “National Register of Historic Places,” *Code of Federal Regulations*, Office of the Federal Register, November 16, 1981.
- 36 CFR 65, 1979, “National Historic Landmarks Program,” *Code of Federal Regulations*, Office of the Federal Register, December 18, 1979.
- 36 CFR 800, 2000, “Protection of Historic Properties,” *Code of Federal Regulations*, Office of the Federal Register, December 12, 2000.
- 40 CFR 112, 2001, Appendix A, “Memorandum of Understanding Between the Secretary of Transportation and the Administrator of the Environmental Protection Act,” *Code of Federal Regulations*, Office of the Federal Register, June 29, 2001.
- 40 CFR 122.26(b), 2000, “Storm Water Discharges (applicable to State NPDES programs),” August 2, 2000.
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