

Appendix E

ARAR and TBC Summary

Table E-1
Potential Federal Action-Specific ARARs and TBCs
SOCs 4 and 5
UMore Mining Area
Dakota County, MN

Standard	Requirement	Prerequisite	Citation	Potential ARAR /TBC Evaluation	Comments
Federal Environmental Laws (except RCRA)					
CERCLA	Addresses investigation and remediation of a release of a hazardous substance.	Release of a hazardous substance.	42 USC 9601 et seq.	Applicable	
NCP	Provides organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants.	Release of a hazardous substance.	40 CFR 300	Applicable	
Resource Conservation and Recovery Act (RCRA) 42 USC 6901 et seq.					
Onsite waste generation	Waste generator shall determine if the waste is hazardous waste.	Generation of waste.	40 CFR 261 Subparts A through D	Applicable	Applicable for any operation where waste would be generated. Testing shall be used to evaluate whether the excavated soil is a hazardous waste. It is anticipated that most of the excavated soil at the Site will not be a RCRA hazardous waste.
Occupational Safety and Health Administration (OSHA)					
Work on Contaminated Sites	Requirements for workers on uncontrolled hazardous waste sites such as training, personal protective equipment, recording and reporting work-related fatalities/injuries/illnesses.	Work on uncontrolled hazardous waste sites, RCRA CA sites, and emergency response sites.	29 CFR 1904 - Recording and Reporting Occupational Injuries and Illnesses 29 CFR 1910 - Occupational Safety and Health 29 CFR 1926 – Safety and Health Regulations for Construction	Applicable	The remedial action at the Site would involve work on a CERCLA NPL site; therefore, the requirements of these OSHA standards must be met.

Statutes and policies, and their citations, are provided as headings to identify general categories of potential ARARs for the convenience of the reader. Listing the statutes and policies does not indicate that the entire statutes or policies are considered as potential ARARs; only substantive requirements of the specific citations are considered potential ARARs. Specific potential ARARs are addressed in the table below each general heading.

Table E-2
Potential State Action-Specific ARARs and TBCs
SOCs 4 and 5
UMore Mining Area
Dakota County, MN

Standard	Requirement	Prerequisite	Citation	Potential ARAR/TBC Evaluation	Comments
State Environmental Laws					
Water Pollution Control Act	Administration and enforcement of laws relating to the pollution of any waters of the state.	Release of pollutants to Minnesota waters.	Minnesota Statute 115	Applicable	
Pollution Control Agency	Provides organizational structure and procedures for responding to problems relating to water, air, and land pollution.	Release of hazardous substance in Minnesota.	Minnesota Statute 116	Applicable	
Water Law	Provides regulations pertaining to any waters of the state, including surface water, wetlands and groundwater.	Release of pollutants to Minnesota waters or activities that affect bed, banks or cross section of Minnesota waters.	Minnesota Statute 103A, 103B, 103C, 103D, 103E; 103F, 103G, 103H	Applicable	
Hazardous Waste Regulations					
Onsite waste generation	Waste generator shall determine if the waste is hazardous waste.	Generation of waste.	Minnesota Rules Ch. 7045.0102 through 7045.0155	Applicable	Applicable for any operation where waste would be generated. Testing shall be used to evaluate whether the excavated soil is a hazardous waste. It is anticipated that most of the excavated soil at the Site would not be a hazardous waste.
Solid Waste					
General requirements for management of solid waste.	Requirements and standards for solid waste	Generation of a solid waste	Minnesota Rules Ch. 7035.0300 through 7035.0605	Applicable to regulated activities	Solid waste requirements would be applicable for storage, transport and disposal of contaminated soils generated during remedial activities.
Remediation of Residential and Commercial/Industrial Property under MPCA VIC Program	MPCA VIC guidance	Contaminated site – enrollment in MPCA VIC program	http://www.pca.state.mn.us/cleanup/vic-guidedoc.htm .	TBC	

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Standard	Requirement	Prerequisite	Citation	Potential ARAR/TBC Evaluation	Comments
Water Supply Regulations					
Certification of Environmental Laboratories	Laboratory accreditation requirements for the State of Minnesota (MDH).	Requirement that analyses be conducted by a certified lab.	Minnesota Statute 144.97 through 144.98 Minnesota Rules Ch. 4740 Minnesota Rules Ch. 4740.2010 through 4740.2040	Applicable	Laboratories that provide services for this project would be accredited for the appropriate testing methods.
Health and Safety					
Worker protection	Standards for worker health, safety and training	Health and Safety	Minnesota Rules Ch. 5205	Applicable	Requirements would be met for health and safety of workers.
Soil					
Evaluating human health risk caused by exposure to contaminated soil.	Tier 1 and Tier 2 Soil Reference Values (SRVs)	Incidental soil ingestion, dermal contact with soil, and inhalation of outdoor vapors and particulates from soil.	Risk-Based Guidance for the Soil – Human Health Pathway, MPCA Risk-Based Site Evaluation Manual	TBC	Considered in development of risk-based soil PRGs – superseded by PRGs from site-specific HHERA (Integral, 2007 and 2008), which corresponds to a Tier 3 (Detailed Site-Specific) Risk Characterization.
Evaluating the risk to groundwater at sites form the soil-to-groundwater pathway	Tier 1 and Tier 2 Soil Leaching Values (SLVs)	Contaminants leaching to groundwater and potential exposure to groundwater.	Risk-Based Guidance for Evaluating the Soil Leaching Pathway, MPCA Risk-Based Site Evaluation Manual	TBC	Considered in development of risk-based soil PRGs.