

Site: New Bedford
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4-5.1



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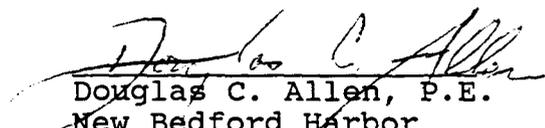
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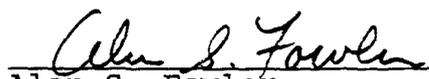
REGULATION ASSESSMENT (TASK 63)
FOR
NEW BEDFORD HARBOR
MASSACHUSETTS

MARCH 1990

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NOTICE

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1.0 INTRODUCTION

The objective of Task 63 - Regulation Assessment (of Work Plan Amendment Number One) for the New Bedford Harbor site is to identify those federal and state regulations that are applicable, relevant and appropriate (ARARs), or to be considered for the evaluation, selection, and implementation of remedial actions at the site.

ARARs identified in 40 CFR Part 300 (Fed. Reg. November 20, 1985), and Commonwealth of Massachusetts regulations considered to be ARARs, were reviewed, and written summaries of the procedural and technical requirements of these documents were prepared. These summaries are presented in Sections 3.0 and 4.0 of this document. Other federal regulations, policies, executive orders, and guidance documents were reviewed for future consideration in assessing remedial actions.

This document is intended to serve as a tool in providing a comprehensive and well-documented analysis of ARARs for use during the screening and evaluation of remedial alternatives.

2.0 CHEMICAL-, LOCATION-, AND ACTION-SPECIFIC ARARs

ARARs were separated into three distinct categories: chemical-specific, location-specific, and action-specific to reflect the latest EPA ARAR compliance policy. For each category, a checklist consisting of federal and state regulations, criteria, advisories, procedures, and guidance documents was completed in order to identify site-specific ARARs. Each ARAR identified as site-specific was then distinguished as either applicable, relevant and appropriate, or to be considered. Chemical-specific ARAR checklists are contained in Section 2.1 and location-specific checklists are in Section 2.2 of this report.

Action-specific ARAR checklists were completed for each of eight technologies identified as components of remedial action alternatives for the New Bedford Harbor site. Sections 2.3 to 2.10 contain action-specific checklists for the following technologies:

- dredging
- transportation
- water treatment
- contained aquatic disposal
- thermal treatment
- on-site disposal
- off-site disposal
- upland disposal

REQUIREMENTS	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT SITE SPECIFIC	COMMENTS
2.1.1 Federal					
o RCRA Groundwater Protection (40 CFR 264.94)				X	The site does not encompass a groundwater source.
o SDWA - Maximum Contaminant Levels (MCLs) (40 CFR 141.11 - 141.16)				X	MCLs apply to potable water. The New Bedford Harbor Waters are not considered existing or potential potable waters.
o FFDCS - Federal Food, Drug and Cosmetic Act - PCB Tolerance Level			X		The PCB level in commercial fish and shellfish has been established at 2 ppm.
o TSCA 50 ppm PCB Regulatory Threshold				X	Risk assessment will be performed to develop health based cleanup standards.
2.1.2 State of Massachusetts					
o DEQE - Drinking Water Requirements (310 CMR 22.00)				X	No drinking water sources are involved.
o DEQE - Groundwater Quality Standards (314 CMR 6.00)				X	The site does not encompass a groundwater source.
o DEQE - Surface Water Quality Standards (314 CMR 4.00)	X				See Page 119.
2.1.3 Federal Criteria, Advisories, and Guidance (FCAG)					
o Federal Ambient Water Quality Criteria		X			DEQE surface water quality standards incorporate federal AWQC standards for surface waters of the state.
o Maximum Contaminant Level Goals (MCLGs)				X	MCLGs are to be considered for potable water. The New Bedford Harbor waters are not considered existing or potential potable waters.

REQUIREMENTS	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT SITE SPECIFIC	COMMENTS
2.1.3 FCAG (Continued)					
o Health Advisories (EPA Office of Drinking Water)				X	Drinking water sources will not be affected.
o TSCA Chemical Advisories/Fact Sheets			X		Will be utilized during the risk assessment.
o EPA Risk Reference Doses (RFD)			X		Will be utilized during the risk assessment.
o EPA Carcinogen Assessment Group Potency Factors			X		Will be utilized during the risk assessment.
o Acceptable Intake - Chronic (AIC), Subchronic (AIS); EPA Health Assessment Documents			X		Will be utilized during the risk assessment.
o EPA Office of Water Guidance: Water-Related Environmental Fate of 129 Priority Pollutants (1979)			X		
o Water Quality Standards Handbook (1983)			X		
2.1.4 Massachusetts Criteria, Advisories, and Guidance (MCAG)					
o Massachusetts Drinking Water Health Advisories			X		

REQUIREMENTS	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT SITE SPECIFIC	COMMENTS
2.2.1 Federal					
o Permits for Dredged or Fill Material (CWA - Section 404)	X				With respect to Dredging, Contained Aquatic Disposal, and On-Site Disposal. See Page 92.
o Federal Sole Source Aquifer Permit (SDWA - Section 1424)				X	The site is not located in a designated sole source aquifer area.
o Endangered Species Act (16 U.S.C. 1531, 50 CFR Parts 81, 225, 402)	X				See Page 87.
o Wild and Scenic Rivers Act (16 U.S.C. 1271)				X	The Acushnet River is not listed as wild and scenic.
o Fish and Wildlife Coordination Act (16 U.S.C. 661 Note)				X	
o Fish and Wildlife Conservation Act (16 U.S.C. 2901, 50 CFR Part 83)				X	
o Coastal Zone Management Act (16 U.S.C. 1451, 15 CFR part 930, 923.45)				X	
o Historic Sites, Buildings, and Antiquities Act (16 U.S.C. 461)				X	
o National Historic Preservation Act (16 U.S.C. 470)	X				The Route 6 bridge is eligible for the National Register of Historic Places.
o Protection of Archaeological Resources (32 CFR Part 229, 229.4; 43 CFR Parts 107, 171.1 - 171.500)	X				See Page 82.
2.2.2 State of Massachusetts					
o Environmental Affairs - Coastal Zone Management Program (301 CMR 20.00 - 22.00)				X	See Page 98.
o DEQE - Wetlands Protection (310 CMR 10.00)	X				See Page 111.
o D.F.W. - Endangered Wildlife and Wild Plants (321 CMR 1.00 - 9.00)	X				See Page 136.
o State Register of Historic Places	X				See Page 139.
o DPH - Prohibition Against Certain Fishing in New Bedford Harbor (105 CMR 260.00)	X				See Page 134.

REQUIREMENTS	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT SITE SPECIFIC	COMMENTS
2.2.3 <u>Federal Criteria, Advisories, and Guidance (FCAG)</u>					
o FWS, NWFS Advisories (Under Fish and Wildlife Coordination Act)			X		
o Floodplains Executive Order (11988)			X		
o Wetlands Executive Order (11990)			X		
o EPA Office of Water Guidance Technical Support Manual: Water Body Surveys and Assessments for Conducting Use Attainability Analyses			X		

2.3 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: DREDGING

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.3.1 Federal</u>						
o RCRA-Standards for Owners and Operators of Permitted Hazardous Waste Facilities (40 CFR 264.10-264.18)				X		
o RCRA-Preparedness and Prevention (40 CFR 264.30-264.37)				X		
o RCRA-Contingency Plan and Emergency Procedures (40 CFR 264.50-264.56)				X		
o RCRA-Groundwater Protection (40 CFR 264.90-264.109)				X		
o RCRA-Closure and Post-Closure (40 CFR 264.110-264.120)				X		
o RCRA-Surface Impoundments (40 CFR 264.220-264.249)				X		
o RCRA-Waste Piles (40 CFR 264.250-264.269)				X		
o RCRA-Land Treatment (40 CFR 264.270-264.299)				X		
o RCRA-Landfills (40 CFR 264.300-264.339)				X		
o RCRA-Incinerators (40 CFR 264.340-264.999)				X		
o Land Disposal Restrictions (40 CFR 268)				X		
o NPDES Requirements Under CWA (CWA-402, 403; 40 CFR 122, 125)				X		
o TSCA-Manufacturing, Processing, Distribution in Commerce, Use of PCBs and PCB Items (40 CFR 761.60-761.79)				X		
o TSCA-Markings of PCBs and PCB Items (40 CFR 761.40-761.79)	X				72	
o TSCA-PCB Cleanup Policy (52 FR 10688)			X			
o TSCA-Storage and Disposal (40 CFR 761.60-761.79)				X		
o TSCA-Records and Reports (40 CFR 761.180-761.185; 40 CFR 129.105, 750)				X		
o NEPA - 40 CFR Part 6				X	81	Requirements under NEPA will be met through attainment of other ARARs.

2.3 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: DREDGING (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.3.1 Federal (continued)</u>						
o CAA-National Ambient Air Quality Standards (NAAQS) (40 CFR 50.6-50.7)		X			77	
o CAA National Ambient Air Quality Standards for Respirable Particulates (PM-10) (40 CFR 129.105, 750)			X			
o OSHA-General Industry Standards (29 CFR Part 1910)		X			78	
o OSHA-Safety and Health Standards for Federal Service Contracts (29 CFR Part 1926)	X				79	
o OSHA-Recordkeeping, Reporting, and Related Regulations (29 CFR Part 1904)	X				80	
o OSHA-Subpart Z Toxic and Hazardous Substances	X				93	
o DOT Rules for the Transportation of Hazardous Materials (49 CFR Parts 107, 171.1-171.500)				X		
o Rivers and Harbors Act (33 CFR Parts 320-329)	X				84	
o Guidelines, Procedures, Specifications for Denial or Restriction of Disposal for Dredged Material (40 CFR 230)	X				85	
o Federal Ocean Dumping Permit (MPSA-Section 103)	X				91	
<u>2.3.2 State of Massachusetts</u>						
o Massachusetts Contingency Plan (310 CMR 40.00)	X				96	
o Environmental Affairs - MEPA (301 CMR 10.00)				X		Requirements under MEPA will be met by attaining other ARARs.
o DEQE-Hazardous Waste Regs. Phase I and II (310 CMR 30.00)	X				114	
o Department of Environmental Management (302 CMR 2.00-6.00)	X				105	
o DEQE-Hazardous Waste Management Records and Files Confidentiality (310 CMR 1.00-5.00)				X		
o DEQE-Air Quality, Air Pollution (310 CMR 6.00-8.00)				X		

2.3 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: DREDGING (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.3.2 State of Massachusetts (continued)</u>						
o DEQE-Administration of Waterway Licences (310 CMR 9.00)	X				109	
o DEQE-Installation, Operation and Maintenance of Solid Waste Transfer Stations; Disposal of Solid Waste by Sanitary Landfill; Operation of Plants for the Purification of Shellfish; State Piers (310 CMR 19.00)				X		
o DEQE-Hazardous Waste Facility Site Safety Council (990 CMR 1.00-16.00)				X		
o DEQE-Wetlands Protection (310 CMF 10.00)	X				111	
o DEQE-Surface Water Discharge Permits; Groundwater Discharge Permit Program; (314 CMR 3.00, 5.00)	X				119	May be considered for discharge of the dredged material.
o DEQE-Supplemental Requirements for Hazardous Waste Management Facilities; Certification for Dredging, Dredged Material Disposal, and Filling in Waters; Grants for Construction of Collection Systems; Grants for Construction of Wastewater Treatment Facilities; Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges; Rules for the Prevention and Control of Oil Pollution in the Waters of the Commonwealth; Operation and Maintenance Standards for Industrial and Municipal Wastewater Treatment Facilities which Handle Hazardous Waste (314 CMR 8.00-29.00)	X				123	
o DIS-Substances Hazardous to Health (441 CMR 1.00-9.00)		X			135	
o DPH-Right to Know (105 CMR 650.00)		X			133	
o DEQE-Right to Know (310 CMR 33.00)		X			131	
o DLI-Right to Know (454 CMR 21.00)		X			132	

2.3 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: DREDGING (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.3.3 Federal Criteria, Advisories, and Guidance (FCAG)</u>						
o OSHA Non-Workplace Health and Safety Standards			X			
o EPA's Groundwater Protection Strategy				X		Dredging should not affect groundwater Quality.
o TSCA Compliance Policy			X			
o TSCA Section 8D Health and Safety Data			X			
o Waste Load Allocation Procedures (EPA Office of Water)			X			
o Pesticide Registration Data				X		Pesticides have not been identified as contaminants of concern.
o Public Health Basis to List Pollutants as Hazardous under Section 112 of CAA			X			
<u>U.S. EPA RCRA Design Guidelines</u>						
o EPA's RCRA Design Guidelines						
1. Surface Impoundments, Liner Systems, Final Cover and Freeboard Control				X		
2. Waste Pile Design - Liner Systems				X		
3. Land Treatment Units				X		
4. Landfill Design - Liner Systems and Final Cover				X		
o Permitting Guidance Manuals						
1. Permit Applicants' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities				X		
2. Permit Writers' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities				X		
3. Permit Writers' Guidance Manual for Subpart F				X		

2.3 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: DREDGING (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.3.3 FCAG (continued)</u>						
4. Permit Applicants' Guidance Manual for General Facility Standards				X		
5. Waste Analysis Plan Guidance Manual			X			
6. Permit Writers' Guidance Manual for Hazardous Tanks				X		
7. Model Permit Application for Existing Incinerators				X		
8. Guidance Manual for Evaluating Permit Applications for the Operation of Hazardous Waste Incinerator Units				X		
9. A Guide for Preparing RCRA Permit Applications for Existing Storage Facilities				X		
10. Guidance Manual on Closure and Post-Closure Interim Status Standards				X		
o Technical Resource Documents						
1. Evaluating Cover Systems for Solid and Hazardous Waste				X		
2. Hydrologic Simulation of Solid Waste Disposal Sites				X		
3. Landfill and Surface Impoundment Performance Evaluation				X		
4. Lining of Water Impoundments and Disposal Facilities				X		
5. Test Methods for Evaluating Solid Wastes				X		
6. A Method for Determining the Compatibility of Hazardous Wastes				X		
7. Guidance Manual on Hazardous Waste Compatability				X		

2.3 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
 FOR SITE-SPECIFIC REMEDIAL ACTION: DREDGING (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.3.3 FCAG (continued)</u>						
<u>EPA Office of Water Guidance Documents</u>						
o Technical Support Document for Water Quality Based Toxics Control			X			
o 304(G) Guidance Document Revised Pretreatment Guidelines			X			
o Ecological Evaluation of Proposed Discharge of Dredged Material into ocean waters.			X			
o NPDES Best Management Practices Guidance Manual (6/81)			X			
o Case Studies on Toxicity Reduction Evaluation (5/83)				X		
o Groundwater/UIC Guidance Document - Interim Guidance for Public Participation				X		
<u>USEPA Manuals From the Office of Research and Development</u>						
o EW 846 Methods - Laboratory Analytical Methods				X		
o Lab Protocols Developed Pursuant to Clean Water Act §304(h)				X		
<u>2.3.4 Massachusetts Criteria, Advisories, and Guidance (MCAG)</u>						
o Massachusetts Guidance on Acceptable Ambient Air Levels (AALs)			X			

2.4 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: TRANSPORTATION

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.4.1 Federal</u>						
o RCRA-Standards for Owners and Operators of Permitted Hazardous Waste Facilities (40 CFR 264.10-264.18)				X		
o RCRA-Preparedness and Prevention (40 CFR 264.30-264.37)				X		
o RCRA-Contingency Plan and Emergency Procedures (40 CFR 264.50-264.56)				X		
o RCRA-Groundwater Protection (40 CFR 264.90-264.109)				X		
o RCRA-Closure and Post-Closure (40 CFR 264.110-264.120)				X		
o RCRA-Surface Impoundments (40 CFR 264.220-264.249)				X		
o RCRA-Waste Piles (40 CFR 264.250-264.269)				X		
o RCRA-Land Treatment (40 CFR 264.270-264.299)				X		
o RCRA-Landfills (40 CFR 264.300-264.339)				X		
o RCRA-Incinerators (40 CFR 264.340-264.999)				X		
o Land Disposal Restrictions (40 CFR 268)				X		
o NPDES Requirements Under CWA (CWA-402, 403; 40 CFR 122, 125)				X		
o TSCA-Manufacturing, Processing, Distribution in Commerce, Use of PCBs and PCB Items (40 CFR 761.60-761.79)				X		
o TSCA-Markings of PCBs and PCB Items (40 CFR 761.40-761.79)	X				72	
o TSCA-PCB Cleanup Policy (52 FR 10688)			X			
o TSCA-Storage and Disposal (40 CFR 761.60-761.79)				X		
o TSCA-Records and Reports (40 CFR 761.180-761.185; 40 CFR 129.105, 750)				X		
o NEPA-40 CFR Part 6				X		Requirements under NEPA will be met through attainment of other ARARs.

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.4.1 Federal (continued)</u>						
o CAA-National Ambient Air Quality Standards (NAAQS) (40 CFR 50.6-50.7)		X			77	
o CAA National Ambient Air Quality Standards for Respirable Particulates (PM-10) (40 CFR 129.105, 750)				X		
o OSHA-General Industry Standards (29 CFR Part 1910)		X			78	
o OSHA-Safety and Health Standards for Federal Service Contracts (29 CFR Part 1926)	X				79	
o OSHA-Recordkeeping, Reporting, and Related Regulations (29 CFR Part 1904)	X				80	
o OSHA-Subpart Z Toxic and Hazardous Substances	X				93	
o DOT Rules for the Transportation of Hazardous Materials (49 CFR Parts 107, 171.1-171.500)	X				83	
o Rivers and Harbors Act (33 CFR Parts 320-329)				X		
o Guidelines, Procedures, Specifications for Denial or Restriction of Disposal for Dredged Material (40 CFR 230)				X		
o Federal Ocean Dumping Permit (MPRSA-Section 103)				X		
<u>2.4.2 State of Massachusetts</u>						
o Massachusetts Contingency Plan (310 CMR 40.00)	X				96	
o Environmental Affairs - MEPA (301 CMR 10.00)				X		Requirements under MEPA will be met by attaining other ARARs.
o DEQE-Hazardous Waste Regs. Phase I and II (310 CMR 30.00)	X				114	
o Department of Environmental Management (302 CMR 2.00-6.00)				X		
o DEQE-Hazardous Waste Management Records and Files Confidentiality (310 CMR 1.00-5.00)				X		
o DEQE-Air Quality, Air Pollution (310 CMR 6.00-8.00)				X		

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.4.2 State of Massachusetts (continued)</u>						
o DEQE-Administration of Waterway Licences (310 CMR 9.00)				X		
o DEQE-Installation, Operation and Maintenance of Solid Waste Transfer Stations; Disposal of Solid Waste by Sanitary Landfill; Operation of Plants for the Purification of Shellfish; State Piers (310 CMR 19.00)				X		
o DEQE-Hazardous Waste Facility Site Safety Council (990 CMR 1.00-16.00)				X		
o DEQE-Wetlands Protection (310 CMR 10.00)		X			111	May be relevant if road or pipeline construction is required.
o DEQE-Surface Water Discharge Permits; Groundwater Discharge Permit Program (314 CMR 3.00, 5.00)				X		
o DEQE-Supplemental Requirements for Hazardous Waste Management Facilities; Certification for Dredging, Dredged Material Disposal, and Filling in Waters; Grants for Construction of Collection Systems; Grants for Construction of Wastewater Treatment Facilities; Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges; Rules for the Prevention and Control of Oil Pollution in the Waters of the Commonwealth; Operation and Maintenance Standards for Industrial and Municipal Wastewater Treatment Facilities which Handle Hazardous Waste (314 CMR 8.00-29.00)		X			127	
o DIS-Substances Hazardous to Health (441 CMR 1.00-9.00)		X			135	
o DPH-Right to Know (105 CMR 650.00)		X			133	
o DEQE-Right to Know (310 CMR 33.00)		X			131	
o DLI-Right to Know (454 CMR 21.00)		X			132	

2.4.3 ACTION-SPECIFIC HAZARDOUS WASTE CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: TRANSPORTATION (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.4.3 Federal Criteria, Advisories, and Guidance (FCAG)</u>						
o OSHA Non-Workplace Health and Safety Standards			X			
o EPA's Groundwater Protection Strategy				X		
o TSCA Compliance Policy			X			
o TSCA Section 8D Health and Safety Data			X			
o Waste Load Allocation Procedures (EPA Office of Water)				X		
o Pesticide Registration Data				X		Pesticides have not been identified as contaminants of concern.
o Public Health Basis to List Pollutants as Hazardous Under Section 112 of CAA			X			
<u>U.S. EPA RCRA Design Guidelines</u>						
o EPA's RCRA Design Guidelines						
1. Surface Impoundments, Liner Systems, Final Cover and Freeboard Control				X		
2. Waste Pile Design - Liner Systems				X		
3. Land Treatment Units				X		
4. Landfill Design - Liner Systems and Final Cover				X		
o Permitting Guidance Manuals						
1. Permit Applicants' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities				X		
2. Permit Writers' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities				X		
3. Permit Writers' Guidance Manual for Subpart F				X		
4. Permit Applicants' Guidance Manual for General Facility Standards				X		

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.4.3 FCAG (continued)</u>						
5. Waste Analysis Plan Guidance Manual				X		
6. Permit Writers' Guidance Manual for Hazardous Waste Tanks				X		
7. Model Permit Application for Existing Incinerators				X		
8. Guidance Manual for Evaluating Permit Applications for the Operation of Hazardous Waste Incinerator Units				X		
9. A Guide for Preparing RCRA Permit Applications for Existing Storage Facilities				X		
10. Guidance Manual on Closure and Post-Closure Interim Status Standards				X		
o <u>Technical Resource Documents</u>						
1. Evaluating Cover Systems for Solid and Hazardous Waste				X		
2. Hydrologic Simulation of Solid Waste Disposal Sites				X		
3. Landfill and Surface Impoundment Performance Evaluation				X		
4. Lining of Water Impoundments and Disposal Facilities				X		
5. Test Methods for Evaluating Solid Wastes				X		
6. A Method for Determining the Compatibility of Hazardous Wastes				X		
7. Guidance Manual on Hazardous Waste Compatability				X		
<u>EPA Office of Water Guidance Documents</u>						
o <u>Technical Support Document for Water Quality Based Toxics Control</u>						
304(G) Guidance Document Revised Pretreatment Guidelines				X		

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.4.3 FCAG (continued)</u>						
o Ecological Evaluation of Proposed Discharge of Dredged Material into Ocean Waters				X		
o NPDES Best Management Practices Guidance Manual (6/81)				X		
o Case Studies on Toxicity Reduction Evaluation (5/83)				X		
o Groundwater/UIC Guidance Document - Interim Guidance for Public Participation				X		
<u>USEPA Manuals From the Office of Research and Development</u>						
o EW 846 Methods - Laboratory Analytical Methods				X		
o Lab Protocols Developed Pursuant to Clean Water Act §304(h)				X		
<u>2.4.4 Massachusetts Criteria, Advisories, and Guidance (MCAG)</u>						
o Massachusetts Guidance on Acceptable Ambient Air Levels (AALs)			X			

2.5 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: WATER TREATMENT

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.5.1 Federal</u>						
o RCRA-Standards for Owners and Operators of Permitted Hazardous Waste Facilities (40 CFR 264.10-264.18)		X			57	
o RCRA-Preparedness and Prevention (40 CFR 264.30-264.37)		X			59	
o RCRA-Contingency Plan and Emergency Procedures (40 CFR 264.50-264.56)		X			60	
o RCRA-Groundwater Protection (40 CFR 264.90-264.109)				X		
o RCRA-Closure and Post-Closure (40 CFR 264.110-264.120)				X		
o RCRA-Surface Impoundments (40 CFR 264.220-264.249)		X			65	
o RCRA-Waste Piles (40 CFR 264.250-264.269)				X		
o RCRA-Land Treatment (40 CFR 264.270-264.299)				X		
o RCRA-Landfills (40 CFR 264.300-264.339)				X		
o RCRA-Incinerators (40 CFR 264.340-264.999)				X		
o Land Disposal Restrictions (40 CFR 268)	X				69	
o NPDES Requirements Under CWA (CWA-402, 403; 40 CFR 122, 125)	X				70	
o TSCA-Manufacturing, Processing, Distribution in Commerce, Use of PCBs and PCB Items (40 CFR 761.60-761.79)				X		
o TSCA-PCB Cleanup Policy (52 FR 10688)			X			
o TSCA-Markings of PCBs and PCB Items (40 CFR 761.40-761.79)	X				72	
o TSCA-Storage and Disposal (40 CFR 761.60-761.79)	X				73	
o TSCA-Records and Reports (40 CFR 761.180-761.185; 40 CFR 129.105, 750)		X			75	
o NEPA-40 CFR Part 6				X	81	Requirements under NEPA will be met through attainment of other ARARs.

2.5 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: WATER TREATMENT (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.5.1 Federal (continued)</u>						
o CAA-National Ambient Air Quality Standards (NAAQS) (40 CFR 50.6-50.7)		X			77	
o CAA National Ambient Air Quality Standards for Respirable Particulates (PM-10) (40 CFR 129.105, 750)			X			
o OSHA-General Industry Standards (29 CFR Part 1910)	X				78	
o OSHA-Safety and Health Standards for Federal Service Contracts (29 CFR Part 1926)	X				79	
o OSHA-Recordkeeping, Reporting, and Related Regulations (29 CFR Part 1904)				X		
o OSHA-Subpart Z Toxic and Hazardous Substances	X				93	
o DOT Rules for the Transportation of Hazardous Materials (49 CFR Parts 107, 171.1-171.500)				X		
o Rivers and Harbors Act (33 CFR Parts 320-329)				X		
o Guidelines, Procedures, Specifications for Denial or Restriction of Disposal for Dredged Material (40 CFR 230)				X		
o Federal Ocean Dumping Permit (MPRSA-Section 103)	X				91	
<u>2.5.2 State of Massachusetts</u>						
o Massachusetts Contingency Plan (310 CMR 40.00)	X				96	
o Environmental Affairs - MEPA (301 CMR 10.00)				X		Requirements under MEPA will be met by attaining other ARARs.
o DEQE-Hazardous Waste Regs. Phase I and II (310 CMR 30.00)	X				114	
o Department of Environmental Management (302 CMR 2.00-6.00)		X			105	
o DEQE-Hazardous Waste Management Records and Files Confidentiality (310 CMR 1.00-5.00)				X		
o DEQE-Air Quality, Air Pollution (310 CMR 6.00-8.00)			X		106	

2.5 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: WATER TREATMENT (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.5.2 State of Massachusetts (continued)</u>						
o DEQE-Administration of Waterway Licences (310 CMR 9.00)				X		
o DEQE-Installation, Operation and Maintenance of Solid Waste Transfer Stations; Disposal of Solid Waste by Sanitary Landfill; Operation of Plants for the Purification of Shellfish; State Piers (310 CMR 19.00)				X		
o DEQE-Hazardous Waste Facility Site Safety Council (990 CMR 1.00-16.00)				X		On-site remedial actions are exempt.
o DEQE-Wetlands Protection (310 CMR 10.00)	X				111	
o DEQE-Surface Water Discharge Permits; Groundwater Discharge Permit Program (314 CMR 3.00, 5.00)	X				119	
o DEQE-Supplemental Requirements for Hazardous Waste Management Facilities; Certification for Dredging, Dredged Material Disposal, and Filling in Waters; Grants for Construction of Collection Systems; Grants for Construction of Wastewater Treatment Facilities; Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges; Rules for the Prevention and Control of Oil Pollution in the Waters of the Commonwealth; Operation and Maintenance Standards for Industrial and Municipal Waste- water Treatment Facilities which Handle Hazardous Waste (314 CMR 8.00-29.00)	X				127	
o DIS-Substances Hazardous to Health (441 CMR 1.00-9.00)			X		135	
o DPH-Right to Know (105 CMR 650.00)			X		133	
o DEQE-Right to Know (310 CMR 33.00)			X		131	
o DEI-Right to Know (454 CMR 21.00)			X		132	

2.5 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: WATER TREATMENT (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.5.3 Federal Criteria, Advisories, and Guidance (FCAG)</u>						
o OSHA Non-Workplace Health and Safety Standards			X			
o EPA's Groundwater Protection Strategy			X			
o TSCA Compliance Policy			X			
o TSCA Section 8D Health and Safety Data			X			
o Waste Load Allocation Procedures (EPA Office of Water)			X			
o Pesticide Registration Data				X		Pesticides have not been identified as contaminants of concern.
o Public Health Basis to List Pollutants as Hazardous under Section 112 of CAA			X			
<u>U.S. EPA RCRA Design Guidelines</u>						
o EPA's RCRA Design Guidelines						
1. Surface Impoundments, Liner Systems, Final Cover and Freeboard Control				X		
2. Waste Pile Design - Liner Systems				X		
3. Land Treatment Units				X		
4. Landfill Design - Liner Systems and Final Cover				X		
o Permitting Guidance Manuals						
1. Permit Applicants' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities				X		
2. Permit Writers' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities				X		
3. Permit Writers' Guidance Manual for Subpart F				X		
4. Permit Applicants' Guidance Manual for General Facility Standards				X		

2.5 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
 FOR SITE-SPECIFIC REMEDIAL ACTION: WATER TREATMENT (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.5.3 FCAG (continued)</u>						
5. Waste Analysis Plan Guidance Manual				X		
6. Permit Writers' Guidance Manual for Hazardous Waste Tanks				X		
7. Model Permit Application for Existing Incinerators				X		
8. Guidance Manual for Evaluating Permit Applications for the Operation of Hazardous Waste Incinerator Units				X		
9. A Guide for Preparing RCRA Permit Applications for Existing Storage Facilities				X		
10. Guidance Manual on Closure and Post-Closure Interim Status Standards				X		
o <u>Technical Resource Documents</u>						
1. Evaluating Cover Systems for Solid and Hazardous Waste				X		
2. Hydrologic Simulation of Solid Waste Disposal Sites				X		
3. Landfill and Surface Impoundment Performance Evaluation				X		
4. Lining of Water Impoundments and Disposal Facilities				X		
5. Test Methods for Evaluating Solid Wastes				X		
6. A Method for Determining the Compatibility of Hazardous Wastes				X		
7. Guidance Manual on Hazardous Waste Compatability				X		
<u>EPA Office of Water Guidance Documents</u>						
o Technical Support Document for Water Quality Based Toxics Control				X		

2.5 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: WATER TREATMENT (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.5.3 FCAG (continued)</u>						
o 304(G) Guidance Document Revised Pretreatment Guidelines			X			
o Ecological Evaluation of Proposed Discharge of Dredged Material into Ocean Waters				X		
o NPDES Best Management Practices Guidance Manual (6/81)			X			
o Case Studies on Toxicity Reduction Evaluation (5/83)			X			
o Groundwater/UIC Guidance Document - Interim Guidance for Public Participation			X			
<u>USEPA Manuals From the Office of Research and Development</u>						
o EW 846 Methods - Laboratory Analytical Methods			X			
o Lab Protocols Developed Pursuant to Clean Water Act §304(h)			X			
<u>2.5.4 Massachusetts Criteria, Advisories, and Guidance (MCAG)</u>						
o Massachusetts Guidance on Acceptable Ambient Air Levels (AALs)			X			

2.6 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: CONTAINED AQUATIC DISPOSAL

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.6.1 Federal</u>						
o RCRA-Standards for Owners and Operators of Permitted Hazardous Waste Facilities (40 CFR 264.10-264.18)				X		
o RCRA-Preparedness and Prevention (40 CFR 264.30-264.37)				X		
o RCRA-Contingency Plan and Emergency Procedures (40 CFR 264.50-264.56)				X		
o RCRA-Groundwater Protection (40 CFR 264.90-264.109)				X		
o RCRA-Closure and Post-Closure (40 CFR 264.110-264.120)		X			63	
o RCRA-Surface Impoundments (40 CFR 264.220-264.249)				X		
o RCRA-Waste Piles (40 CFR 264.250-264.269)				X		
o RCRA-Land Treatment (40 CFR 264.270-264.299)				X		
o RCRA-Landfills (40 CFR 264.300-264.339)				X		
o RCRA-Incinerators (40 CFR 264.340-264.999)				X		
o Land Disposal Restrictions (40 CFR 268)	X				69	
o NPDES Requirements Under CWA (CWA-402, 403; 40 CFR 122, 125)				X		
o TSCA-Manufacturing, Processing, Distribution in Commerce, Use of PCBs and PCB Items (40 CFR 761.60-761.79)				X		
o TSCA-Markings of PCBs and PCB Items (40 CFR 761.40-761.79)	X				72	
o TSCA-PCB Cleanup Policy (52 FR 10688)			X			
o TSCA-Storage and Disposal (40 CFR 761.60-761.79)	X				73	
o TSCA-Records and Reports (40 CFR 761.180-761.185; 40 CFR 129.105, 750)		X			75	
o NEPA-40 CFR Part 6				X		Requirements under NEPA will be met through attainment of other ARARs.

2.6 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: CONTAINED AQUATIC DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.6.1 Federal (continued)</u>						
o CAA-National Ambient Air Quality Standards (NAAQS) (40 CFR 50.6-50.7)		X			77	
o CAA National Ambient Air Quality Standards for Respirable Particulates (PM-10) (40 CFR 129.105, 750)				X		
o OSHA-General Industry Standards (29 CFR Part 1910)		X			78	
o OSHA-Safety and Health Standards for Federal Service Contracts (29 CFR Part 1926)	X				79	
o OSHA-Recordkeeping, Reporting, and Related Regulations (29 CFR Part 1904)	X				80	
o OSHA-Subpart Z Toxic and Hazardous Substances	X				93	
o DOT Rules for the Transportation of Hazardous Materials (49 CFR Parts 107, 171.1-171.500)				X		
o Rivers and Harbors Act (33 CFR Parts 320-329)	X				84	
o Guidelines, Procedures, Specifications for Denial or Restriction of Disposal for Dredged Material (40 CFR 230)	X				85	
o Federal Ocean Dumping Permit (MPRSA-Section 103)	X				91	
<u>2.6.2 State of Massachusetts</u>						
o Massachusetts Contingency Plan (310 CMR 40.00)	X				96	
o Environmental Affairs - MEPA (301 CMR 10.00)				X		Requirements under MEPA will be met by attaining other ARARs.
o DEQE-Hazardous Waste Regs. Phase I and II (310 CMR 30.00)	X				114	
o Department of Environmental Management (302 CMR 2.00-6.00)				X		
o DEQE-Hazardous Waste Management Records and Files Confidentiality (310 CMR 1.00-5.00)				X		
o DEQE-Air Quality, Air Pollution (310 CMR 6.00-8.00)				X		

2.6 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: CONTAINED AQUATIC DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.6.2 State of Massachusetts (continued)</u>						
o DEQE-Administration of Waterway Licences (310 CMR 9.00)	X				109	
o DEQE-Installation, Operation and Maintenance of Solid Waste Transfer Stations; Disposal of Solid Waste by Sanitary Landfill; Operation of Plants for the Purification of Shellfish; State Piers (310 CMR 19.00)				X		
o DEQE-Hazardous Waste Facility Site Safety Council (990 CMR 1.00-16.00)				X		On-site remedial actions are exempt.
o DEQE-Wetlands Protection (310 CMR 10.00)	X				111	
o DEQE-Surface Water Discharge Permits; Groundwater Discharge Permit Program (314 CMR 3.00, 5.00)	X				119	
o DEQE-Supplemental Requirements for Hazardous Waste Management Facilities; Certification for Dredging, Dredged Material Disposal, and Filling in Waters; Grants for Construction of Collection Systems; Grants for Construction of Wastewater Treatment Facilities; Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges; Rules for the Prevention and Control of Oil Pollution in the Waters of the Commonwealth; Operation and Maintenance Standards for Industrial and Municipal Wastewater Treatment Facilities which Handle Hazardous Waste (314 CMR 8.00-29.00)	X				129	
o DIS-Substances Hazardous to Health (441 CMR 1.00-9.00)			X		135	
o DPH-Right to Know (105 CMR 650.00)			X		133	
o DEQE-Right to Know (310 CMR 33.00)			X		131	
o DLI-Right to Know (454 CMR 21.00)			X		132	

2.6 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: CONTAINED AQUATIC DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.6.3 Federal Criteria, Advisories, and Guidance (FCAG)</u>						
o OSHA Non-Workplace Health and Safety Standards				X		
o EPA's Groundwater Protection Strategy				X		
o TSCA Compliance Policy			X			
o TSCA Section 8D Health and Safety Data			X			
o Waste Load Allocation Procedures (EPA Office of Water)			X			
o Pesticide Registration Data				X		Pesticides have not been identified as contaminants of concern.
o Public Health Basis to List Pollutants as Hazardous under Section 112 of CAA			X			
<u>U.S. EPA RCRA Design Guidelines</u>						
o EPA's RCRA Design Guidelines						
1. Surface Impoundments, Liner Systems, Final Cover and Freeboard Control				X		
2. Waste Pile Design - Liner Systems				X		
3. Land Treatment Units				X		
4. Landfill Design - Liner Systems and Final Cover				X		
o Permitting Guidance Manuals						
1. Permit Applicants' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities				X		
2. Permit Writers' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities				X		
3. Permit Writers' Guidance Manual for Subpart F				X		
4. Permit Applicants' Guidance Manual for General Facility Standards				X		

2.6 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: CONTAINED AQUATIC DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.6.3 FCAG (continued)</u>						
5. Waste Analysis Plan Guidance Manual			X			
6. Permit Writers' Guidance Manual for Hazardous Waste Tanks				X		
7. Model Permit Application for Existing Incinerators				X		
8. Guidance Manual for Evaluating Permit Applications for the Operation of Hazardous Waste Incinerator Units				X		
9. A Guide for Preparing RCRA Permit Applications for Existing Storage Facilities				X		
10. Guidance Manual on Closure and Post-Closure Interim Status Standards				X		
o Technical Resource Documents						
1. Evaluating Cover Systems for Solid and Hazardous Waste				X		
2. Hydrologic Simulation of Solid Waste Disposal Sites				X		
3. Landfill and Surface Impoundment Performance Evaluation				X		
4. Lining of Water Impoundments and Disposal Facilities				X		
5. Test Methods for Evaluating Solid Wastes				X		
6. A Method for Determining the Compatibility of Hazardous Wastes				X		
7. Guidance Manual on Hazardous Waste Compatability				X		
<u>EPA Office of Water Guidance Documents</u>						
o Technical Support Document for Water Quality Based Toxics Control						
			X			

2.6 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: CONTAINED AQUATIC DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.6.3 FCAG (continued)</u>						
o 304(G) Guidance Document Revised Pretreatment Guidelines				X		
o Ecological Evaluation of Proposed Discharge of Dredged Material into Ocean Waters			X			
o NPDES Best Management Practices Guidance Manual (6/81)			X			
o Case Studies on Toxicity Reduction Evaluation (5/83)				X		
o Groundwater/UIC Guidance Document - Interim Guidance for Public Participation				X		
<u>USEPA Manuals From the Office of Research and Development</u>						
o EW 846 Methods - Laboratory Analytical Methods				X		
o Lab Protocols Developed Pursuant to Clean Water Act §304(h)				X		
<u>2.6.4 Massachusetts Criteria, Advisories, and Guidance (MCAG)</u>						
o Massachusetts Guidance on Acceptable Ambient Air Levels (AALs)			X			

2.7 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: THERMAL TREATMENT

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.7.1 Federal</u>						
o RCRA-Standards for Owners and Operators of Permitted Hazardous Waste Facilities (40 CFR 264.10-264.18)		X			57	
o RCRA-Preparedness and Prevention (40 CFR 264.30-264.37)		X			59	
o RCRA-Contingency Plan and Emergency Procedures (40 CFR 264.50-264.56)		X			60	
o RCRA-Groundwater Protection (40 CFR 264.90-264.109)		X			62	
o RCRA-Closure and Post-Closure (40 CFR 264.110-264.120)		X			63	
o RCRA-Surface Impoundments (40 CFR 264.220-264.249)				X		
o RCRA-Waste Piles (40 CFR 264.250-264.269)				X		
o RCRA-Land Treatment (40 CFR 264.270-264.299)				X		
o RCRA-Landfills (40 CFR 264.300-264.339)				X		
o RCRA-Incinerators (40 CFR 264.340-264.999)	X				68	
o Land Disposal Restrictions (40 CFR 268)	X				69	
o NPDES Requirements Under CWA (CWA-402, 403; 40 CFR 122, 125)		X			70	
o TSCA-Manufacturing, Processing, Distribution in Commerce, Use of PCBs and PCB Items (40 CFR 761.60-761.79)				X		
o TSCA-Markings of PCBs and PCB Items (40 CFR 761.40-761.79)	X				72	
o TSCA-PCB Cleanup Policy (52 FR 10688)			X			
o TSCA-Storage and Disposal (40 CFR 761.60-761.79)	X				73	
o TSCA-Records and Reports (40 CFR 761.180-761.185; 40 CFR 129.105, 750)	X				75	
o NEPA-40 CFR Part 6				X		Requirements under NEPA will be met by attaining other ARARs.

2.7 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: THERMAL TREATMENT (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.7.1 Federal (continued)</u>						
o CAA-National Ambient Air Quality Standards (NAAQS) (40 CFR 50.6-50.7)		X			77	
o CAA National Ambient Air Quality Standards for Respirable Particulates (PM-10) (40 CFR 129.105, 750)		X				
o OSHA-General Industry Standards (29 CFR Part 1910)		X			78	
o OSHA-Safety and Health Standards for Federal Service Contracts (29 CFR Part 1926)	X				79	
o OSHA-Recordkeeping, Reporting, and Related Regulations (29 CFR Part 1904)	X				80	
o OSHA-Subpart Z Toxic and Hazardous Substances	X				93	
o DOT Rules for the Transportation of Hazardous Materials (49 CFR Parts 107, 171.1-171.500)				X		
o Rivers and Harbors Act (33 CFR Parts 320-329)				X		
o Guidelines, Procedures, Specifications for Denial or Restriction of Disposal for Dredged Material (40 CFR 230)				X		
o Federal Ocean Dumping Permit (MPRSA-Section 103)				X		
<u>2.7.2 State of Massachusetts</u>						
o Massachusetts Contingency Plan (310 CMR 40.00)	X				96	
o Environmental Affairs - MEPA (301 CMR 10.00)				X		Requirements under MEPA will be met by attaining other ARARs.
o DEQE-Hazardous Waste Regs. Phase I and II (310 CMR 30.00)	X					
o Department of Environmental Management (302 CMR 2.00-6.00)		X			105	
o DEQE-Hazardous Waste Management Records and Files Confidentiality (310 CMR 1.00-5.00)				X		
o DEQE-Air Quality, Air Pollution (310 CMR 6.00-8.00)		X			106	

2.7 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: THERMAL TREATMENT (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.7.2 State of Massachusetts (continued)</u>						
o DEQE-Administration of Waterway Licences (310 CMR 9.00)				X		
o DEQE-Installation, Operation and Maintenance of Solid Waste Transfer Stations; Disposal of Solid Waste by Sanitary Landfill; Operation of Plants for the Purification of Shellfish; State Piers (310 CMR 19.00)				X		
o DEQE-Hazardous Waste Facility Site Safety Council (990 CMR 1.00-16.00)				X		On-site remedial actions are exempt.
o DEQE-Wetlands Protection (310 CMR 10.00)				X		
o DEQE-Surface Water Discharge Permits; Groundwater Discharge Permit Program (314 CMR 3.00-5.00)		X			119	
o DEQE-Supplemental Requirements for Hazardous Waste Management Facilities; Certification for Dredging, Dredged Material Disposal, and Filling in Waters; Grants for Construction of Collection Systems; Grants for Construction of Wastewater Treatment Facilities; Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges; Rules for the Prevention and Control of Oil Pollution in the Waters of the Commonwealth; Operation and Maintenance Standards for Industrial and Municipal Waste- water Treatment Facilities which Handle Hazardous Waste (314 CMR 8.00-29.00)		X			123	
o DIS-Substances Hazardous to Health (441 CMR 1.00-9.00)			X		135	
o DPH-Right to Know (105 CMR 650.00)			X		133	
o DEQE-Right-to-Know (310 CMR 33.00)			X		131	
o DLI-Right-to-Know (454 CMR 21.00)			X		132	

2.7 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: THERMAL TREATMENT (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.7.3 Federal Criteria, Advisories, and Guidance (FCAG)</u>						
o OSHA Non-Workplace Health and Safety Standards			X			
o EPA's Groundwater Protection Strategy				X		
o TSCA Compliance Policy			X			
o TSCA Section 8D Health and Safety Data			X			
o Waste Load Allocation Procedures (EPA Office of Water)				X		
o Pesticide Registration Data				X		Pesticides have not been identified as contaminants of concern.
o Public Health Basis to List Pollutants as Hazardous under Section 112 of CAA			X			
<u>U.S. EPA RCRA Design Guidelines</u>						
o EPA's RCRA Design Guidelines						
1. Surface Impoundments, Liner Systems, Final Cover and Freeboard Control				X		
2. Waste Pile Design - Liner Systems				X		
3. Land Treatment Units				X		
4. Landfill Design - Liner Systems and Final Cover				X		
o Permitting Guidance Manuals						
1. Permit Applicants' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities			X			
2. Permit Writers' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities			X			
3. Permit Writers' Guidance Manual for Subpart F			X			
4. Permit Applicants' Guidance Manual for General Facility Standards			X			

2.7 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
 FOR SITE-SPECIFIC REMEDIAL ACTION: WATER TREATMENT (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.7.3 FCAG (continued)</u>						
5. Waste Analysis Plan Guidance Manual			X			
6. Permit Writers' Guidance Manual for Hazardous Waste Tanks				X		
7. Model Permit Application for Existing Incinerators				X		
8. Guidance Manual for Evaluating Permit Applications for the Operation of Hazardous Waste Incinerator Units			X			
9. A Guide for Preparing RCRA Permit Applications for Existing Storage Facilities				X		
10. Guidance Manual on Closure and Post-Closure Interim Status Standards				X		
o Technical Resource Documents						
1. Evaluating Cover Systems for Solid and Hazardous Waste				X		
2. Hydrologic Simulation of Solid Waste Disposal Sites				X		
3. Landfill and Surface Impoundment Performance Evaluation				X		
4. Lining of Water Impoundments and Disposal Facilities				X		
5. Test Methods for Evaluating Solid Wastes			X			
6. A Method for Determining the Compatibility of Hazardous Wastes				X		
7. Guidance Manual on Hazardous Waste Compatability				X		
<u>EPA Office of Water Guidance Documents</u>						
o Technical Support Document for Water Quality Based Toxics Control						
				X		

2.7 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: WATER TREATMENT (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.7.3 FCAG (continued)</u>						
o 304(G) Guidance Document Revised Pretreatment Guidelines				X		
o Ecological Evaluation of Proposed Discharge of Dredged Material into Ocean Waters				X		
o NPDES Best Management Practices Guidance Manual (6/81)				X		
o Case Studies on Toxicity Reduction Evaluation (5/83)				X		
o Groundwater/UIC Guidance Document - Interim Guidance for Public Participation				X		
<u>USEPA Manuals From the Office of Research and Development</u>						
o EW 846 Methods - Laboratory Analytical Methods				X		
o Lab Protocols Developed Pursuant to Clean Water Act §304(h)				X		
<u>2.7.4 Massachusetts Criteria, Advisories, and Guidance (MCAG)</u>						
o Massachusetts Guidance on Acceptable Ambient Air Levels (AALs)			X			

2.8 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: ON-SITE DISPOSAL

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.8.1 Federal</u>						
o RCRA-Standards for Owners and Operators of Permitted Hazardous Waste Facilities (40 CFR 264.10-264.18)		X			57	
o RCRA-Preparedness and Prevention (40 CFR 264.30-264.37)		X			59	
o RCRA-Contingency Plan and Emergency Procedures (40 CFR 264.50-264.56)		X			60	
o RCRA-Groundwater Protection (40 CFR 264.90-264.109)		X			62	
o RCRA-Closure and Post-Closure (40 CFR 264.110-264.120)		X			63	
o RCRA-Surface Impoundments (40 CFR 264.220-264.249)	X				65	
o RCRA-Waste Piles (40 CFR 264.250-264.269)				X		A waste pile is not anticipated
o RCRA-Land Treatment (40 CFR 264.270-264.299)				X		Land treatment is not anticipated
o RCRA-Landfills (40 CFR 264.300-264.339)	X				67	
o RCRA-Incinerators (40 CFR 264.340-264.399)				X		
o Land Disposal Restrictions (40 CFR 268)	X				69	
o NPDES Requirements Under CWA (CWA-402, 403; 40 CFR 122, 125)				X		
o TSCA-Manufacturing, Processing, Distribution in Commerce, Use of PCBs and PCB Items (40 CFR 761.60-761.79)				X		
o TSCA-Markings of PCBs and PCB Items (40 CFR 761.40-761.79)	X				72	
o TSCA-PCB Cleanup Policy (52 FR 10688)			X			
o TSCA-Storage and Disposal (40 CFR 761.60-761.79)	X				73	
o TSCA-Records and Reports (40 CFR 761.180-761.185; 40 CFR 129.105, 750)	X				75	
o NEPA-40 CFR Part 6				X		Requirements under NEPA will be met by attaining other ARARs.

2.8 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: ON-SITE DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.8.1 Federal (continued)</u>						
o CAA-National Ambient Air Quality Standards (NAAQS) (40 CFR 50.6-50.7)		X			77	
o CAA National Ambient Air Quality Standards for Respirable Particulates (PM-10) (40 CFR 129.105, 750)				X		
o OSHA-General Industry Standards (29 CFR Part 1910)		X			78	
o OSHA-Safety and Health Standards for Federal Service Contracts (29 CFR Part 1926)	X				79	
o OSHA-Recordkeeping, Reporting, and Related Regulations (29 CFR Part 1904)	X				80	
o OSHA-Subpart Z Toxic and Hazardous Substances	X				93	
o DOT Rules for the Transportation of Hazardous Materials (49 CFR Parts 107, 171.1-171.500)	X				83	
o Rivers and Harbors Act (33 CFR Parts 320-329)	X				84	
o Guidelines, Procedures, Specifications for Denial or Restriction of Disposal for Dredged Material (40 CFR 230)	X				85	
o Federal Ocean Dumping Permit (MPRSA-Section 103)	X				91	
<u>2.8.2 State of Massachusetts</u>						
o Massachusetts Contingency Plan (310 CMR 40.00)	X				96	
o Environmental Affairs - MEPA (301 CMR 10.00)				X		Requirements under MEPA will be met by attaining other ARARs.
o DEQE-Hazardous Waste Regs. Phase I and II (310 CMR 30.00)	X				114	
o Department of Environmental Management (302 CMR 2.00-6.00)	X				105	
o DEQE-Hazardous Waste Management Records and Files Confidentiality (310 CMR 1.00-5.00)				X		
o DEQE-Air Quality, Air Pollution (310 CMR 6.00-8.00)				X		

2.8 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: ON-SITE DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.8.2 State of Massachusetts (continued)</u>						
o DEQE-Administration of Waterway Licences (310 CMR 9.00)	X				109	
o DEQE-Installation, Operation and Maintenance of Solid Waste Transfer Stations; Disposal of Solid Waste by Sanitary Landfill; Operation of Plants for the Purification of Shellfish; State Piers (310 CMR 19.00)		X			130	
o DEQE-Hazardous Waste Facility Site Safety Council (990 CMR 1.00-16.00)		X		X		On-site remedial actions are exempt
o DEQE-Wetlands Protection (310 CMR 10.00)	X				111	
o DEQE-Surface Water Discharge Permits; Groundwater Discharge Permit Program (314 CMR 3.00, 5.00)	X			X	119	
o DEQE-Supplemental Requirements for Hazardous Waste Management Facilities; Certification for Dredging, Dredged Material Disposal, and Filling in Waters; Grants for Construction of Collection Systems; Grants for Construction of Wastewater Treatment Facilities; Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges; Rules for the Prevention and Control of Oil Pollution in the Waters of the Commonwealth; Operation and Maintenance Standards for Industrial and Municipal Waste- water Treatment Facilities which Handle Hazardous Waste (314 CMR 8.00-29.00)	X				127	
o DIS-Substances Hazardous to Health (441 CMR 1.00-9.00)		X			135	
o DPH-Right to Know (105 CMR 650.00)		X			133	
o DEQE-Right to Know (310 CMR 33.00)		X			131	
o DLI-Right to Know (454 CMR 21.00)		X			132	

2.8 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: ON-SITE DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.8.3 Federal Criteria, Advisories, and Guidance (FCAG)</u>						
o OSHA Non-Workplace Health and Safety Standards			X			
o EPA's Groundwater Protection Strategy			X			
o TSCA Compliance Policy			X			
o TSCA Section 8D Health and Safety Data			X			
o Waste Load Allocation Procedures (EPA Office of Water)				X		
o Pesticide Registration Data				X		Pesticides have not been identified as contaminants of concern.
o Public Health Basis to List Pollutants as Hazardous under Section 112 of CAA			X			
<u>U.S. EPA RCRA Design Guidelines</u>						
o EPA's RCRA Design Guidelines						
1. Surface Impoundments, Liner Systems, Final Cover and Freeboard Control			X			
2. Waste Pile Design - Liner Systems				X		
3. Land Treatment Units				X		
4. Landfill Design - Liner Systems and Final Cover			X			
o Permitting Guidance Manuals						
1. Permit Applicants' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities			X			
2. Permit Writers' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities			X			
3. Permit Writers' Guidance Manual for Subpart F			X			
4. Permit Applicants' Guidance Manual for General Facility Standards			X			

2.8 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: ON-SITE DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.8.3 FCAG (continued)</u>						
5. Waste Analysis Plan Guidance Manual			X			
6. Permit Writers' Guidance Manual for Hazardous Waste Tanks				X		
7. Model Permit Application for Existing Incinerators				X		
8. Guidance Manual for Evaluating Permit Applications for the Operation of Hazardous Waste Incinerator Units				X		
9. A Guide for Preparing RCRA Permit Applications for Existing Storage Facilities				X		
10. Guidance Manual on Closure and Post-Closure Interim Status Standards			X			
o Technical Resource Documents						
1. Evaluating Cover Systems for Solid and Hazardous Waste			X			
2. Hydrologic Simulation of Solid Waste Disposal Sites			X			
3. Landfill and Surface Impoundment Performance Evaluation			X			
4. Lining of Water Impoundments and Disposal Facilities			X			
5. Test Methods for Evaluating Solid Wastes				X		
6. A Method for Determining the Compatibility of Hazardous Wastes				X		
7. Guidance Manual on Hazardous Waste Compatability				X		
<u>EPA Office of Water Guidance Documents</u>						
o Technical Support Document for Water Quality Based Toxics Control						
				X		

2.8 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: ON-SITE DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.8.3 FCAG (continued)</u>						
o 304(G) Guidance Document Revised Pretreatment Guidelines				X		
o Ecological Evaluation of Proposed Discharge of Dredged Material into Ocean Waters				X		
o NPDES Best Management Practices Guidance Manual (6/81)			X			
o Case Studies on Toxicity Reduction Evaluation (5/83)				X		
o Groundwater/UIC Guidance Document - Interim Guidance for Public Participation				X		
<u>USEPA Manuals From the Office of Research and Development</u>						
o EW 846 Methods - Laboratory Analytical Methods				X		
o Lab Protocols Developed Pursuant to Clean Water Act §304(h)				X		
<u>2.8.4 Massachusetts Criteria, Advisories and Guidance (MCAG)</u>						
o Massachusetts Guidance on Acceptable Ambient Air Levels (AALs)			X			

2.9 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: OFF-SITE DISPOSAL

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.9.1 Federal</u>						
o RCRA-Standards for Owners and Operators of Permitted Hazardous Waste Facilities (40 CFR 264.10-264.18)				X		Will be disposed of in an existing licensed facility.
o RCRA-Preparedness and Prevention (40 CFR 264.30-264.37)				X		" "
o RCRA-Contingency Plan and Emergency Procedures (40 CFR 264.50-264.56)				X		" "
o RCRA-Groundwater Protection (40 CFR 264.90-264.109)				X		" "
o RCRA-Closure and Post-Closure (40 CFR 264.110-264.120)				X		" "
o RCRA-Surface Impoundments (40 CFR 264.220-264.249)				X		" "
o RCRA-Waste Piles (40 CFR 264.250-264.269)				X		" "
o RCRA-Land Treatment (40 CFR 264.270-264.299)				X		" "
o RCRA-Landfills (40 CFR 264.300-264.339)				X		" "
o RCRA-Incinerators (40 CFR 264.340-264.999)				X		" "
o Land Disposal Restrictions (40 CFR 268)	X				69	
o NPDES Requirements Under CWA (CWA-402, 403; 40 CFR 122, 125)				X		
o TSCA-Manufacturing, Processing, Distribution in Commerce, Use of PCBs and PCB Items (40 CFR 761.60-761.79)				X		
o TSCA-Markings of PCBs and PCB Items (40 CFR 761.40-761.79)	X				72	With respect to handling.
o TSCA-PCB Cleanup Policy (52 FR 10688)			X			
o TSCA-Storage and Disposal (40 CFR 761.60-761.79)	X				73	With respect to handling.
o TSCA-Records and Reports (40 CFR 761.180-761.185; 40 CFR 129.105, 750)	X				75	With respect to handling.
o NEPA-40 CFR Part 6				X		Requirements under NEPA will be met by attaining other ARARs.

2.9 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: OFF-SITE DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.9.1 Federal (continued)</u>						
o CAA-National Ambient Air Quality Standards (NAAQS) (40 CFR 50.6-50.7)		X			77	
o CAA National Ambient Air Quality Standards for Respirable Particulates (PM-10) (40 CFR 129.105, 750)				X		
o OSHA-General Industry Standards (29 CFR Part 1910)		X			78	
o OSHA-Safety and Health Standards for Federal Service Contracts (29 CFR Part 1926)	X				79	
o OSHA-Recordkeeping, Reporting, and Related Regulations (29 CFR Part 1904)	X				80	
o OSHA-Subpart Z Toxic and Hazardous Substances	X				93	
o DOT Rules for the Transportation of Hazardous Materials (49 CFR Parts 107, 171.1-171.500)				X		
o Rivers and Harbors Act (33 CFR Parts 320-329)				X		
o Guidelines, Procedures, Specifications for Denial or Restriction of Disposal for Dredged Material (40 CFR 230)				X		
o Federal Ocean Dumping Permit (MPSA-Section 103)				X		
<u>2.9.2 State of Massachusetts</u>						
o Massachusetts Contingency Plan (310 CMR 40.00)	X				96	
o Environmental Affairs - MEPA (301 CMR 10.00)				X		Requirements under MEPA will be met by attaining other ARARs.
o DEQE-Hazardous Waste Regs. Phase I and II (310 CMR 30.00)	X					With respect to handling. Will be disposed of in an existing licensed facility.
o Department of Environmental Management (302 CMR 2.00-6.00)				X		
o DEQE-Hazardous Waste Management Records and Files Confidentiality (310 CMR 1.00-5.00)				X		
o DEQE-Air Quality, Air Pollution (310 CMR 6.00-8.00)				X		

2.9 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: OFF-SITE DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.9.2 State of Massachusetts (continued)</u>						
o DEQE-Administration of Waterway Licences (310 CMR 9.00)				X		
o DEQE-Installation, Operation and Maintenance of Solid Waste Transfer Stations; Disposal of Solid Waste by Sanitary Landfill; Operation of Plants for the Purification of Shellfish; State Piers (310 CMR 19.00)		X			130	
o DEQE-Hazardous Waste Facility Site Safety Council (990 CMR 1.00-16.00)				X		
o DEQE-Wetlands Protection (310 CMR 10.00)				X		
o DEQE-Surface Water Discharge Permits; Groundwater Discharge Permit Program (314 CMR 300; 5.00)				X		
o DEQE-Supplemental Requirements for Hazardous Waste Management Facilities; Certification for Dredging, Dredged Material Disposal, and Filling in Waters; Grants for Construction of Collection Systems; Grants for Construction of Wastewater Treatment Facilities; Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges; Rules for the Prevention and Control of Oil Pollution in the Waters of the Commonwealth; Operation and Maintenance Standards for Industrial and Municipal Waste- water Treatment Facilities which Handle Hazardous Waste (314 CMR 8.00-29.00)				X		
o DIS-Substances Hazardous to Health (441 CMR 1.00-9.00)		X			135	
o DPH-Right to Know (105 CMR 650.00)		X			133	
o DEQE-Right to Know (310 CMR 33.00)		X			131	
o DLI-Right to Know (454 CMR 21.00)		X			132	

2.9 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: OFF-SITE DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.9.3 Federal Criteria, Advisories, and Guidance (FCAG)</u>						
o OSHA Non-Workplace Health and Safety Standards			X			
o EPA's Groundwater Protection Strategy			X			
o TSCA Compliance Policy			X			
o TSCA Section 8D Health and Safety Data			X			
o Waste Load Allocation Procedures (EPA Office of Water)				X		
o Pesticide Registration Data				X		Pesticides have not been identified as contaminants of concern.
o Public Health Basis to List Pollutants as Hazardous under Section 112 of CAA			X			
<u>U.S. EPA RCRA Design Guidelines</u>						
o EPA's RCRA Design Guidelines						
1. Surface Impoundments, Liner Systems, Final Cover and Freeboard Control				X		
2. Waste Pile Design - Liner Systems				X		
3. Land Treatment Units				X		
4. Landfill Design - Liner Systems and Final Cover				X		
o Permitting Guidance Manuals						
1. Permit Applicants' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities				X		
2. Permit Writers' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities				X		
3. Permit Writers' Guidance Manual for Subpart F				X		
4. Permit Applicants' Guidance Manual for General Facility Standards				X		

2.9 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: OFF-SITE DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.9.3 FCAG (continued)</u>						
5. Waste Analysis Plan Guidance Manual				X		
6. Permit Writers' Guidance Manual for Hazardous Waste Tanks				X		
7. Model Permit Application for Existing Incinerators				X		
8. Guidance Manual for Evaluating Permit Applications for the Operation of Hazardous Waste Incinerator Units			X			
9. A Guide for Preparing RCRA Permit Applications for Existing Storage Facilities				X		
10. Guidance Manual on Closure and Post-Closure Interim Status Standards			X			
o Technical Resource Documents						
1. Evaluating Cover Systems for Solid and Hazardous Waste				X		
2. Hydrologic Simulation of Solid Waste Disposal Sites				X		
3. Landfill and Surface Impoundment Performance Evaluation				X		
4. Lining of Water Impoundments and Disposal Facilities				X		
5. Test Methods for Evaluating Solid Wastes			X			
6. A Method for Determining the Compatibility of Hazardous Wastes			X			
7. Guidance Manual on Hazardous Waste Compatability			X			
<u>EPA Office of Water Guidance Documents</u>						
o Technical Support Document for Water Quality Based Toxics Control						
				X		

2.9 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: OFF-SITE DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.9.3 FCAG (continued)</u>						
o 304(G) Guidance Document Revised Pretreatment Guidelines				X		
o Ecological Evaluation of Proposed Discharge of Dredged Material into Ocean Waters				X		
o NPDES Best Management Practices Guidance Manual (6/81)				X		
o Case Studies on Toxicity Reduction Evaluation (5/83)				X		
o Groundwater/UIC Guidance Document - Interim Guidance for Public Participation				X		
<u>USEPA Manuals From the Office of Research and Development</u>						
o EW 846 Methods - Laboratory Analytical Methods				X		
o Lab Protocols Developed Pursuant to Clean Water Act §304(h)				X		
<u>2.9.4 Massachusetts Criteria, Advisories, and Guidance (MCAG)</u>						
o Massachusetts Guidance on Acceptable Ambient Air Levels (AALs)				X		

2.10 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: UPLAND DISPOSAL

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.10.1 Federal</u>						
o RCRA-Standards for Owners and Operators of Permitted Hazardous Waste Facilities (40 CFR 264.10-264.18)		X			57	
o RCRA-Preparedness and Prevention (40 CFR 264.30-264.37)		X			59	
o RCRA-Contingency Plan and Emergency Procedures (40 CFR 264.50-264.56)		X			60	
o RCRA-Groundwater Protection (40 CFR 264.90-264.109)		X			62	
o RCRA-Closure and Post-Closure (40 CFR 264.110-264.120)		X			63	
o RCRA-Surface Impoundments (40 CFR 264.220-264.249)	X				65	
o RCRA-Waste Piles (40 CFR 264.250-264.269)				X		
o RCRA-Land Treatment (40 CFR 264.270-264.299)				X		
o RCRA-Landfills (40 CFR 264.300-264.339)	X				67	
o RCRA-Incinerators (40 CFR 264.340-264.999)				X		
o Land Disposal Restrictions (40 CFR 268)	X				69	
o NPDES Requirements Under CWA (CWA-402, 403; 40 CFR 122, 125)		X			70	
o TSCA-Manufacturing, Processing, Distribution in Commerce, Use of PCBs and PCB Items (40 CFR 761.60-761.79)				X		
o TSCA-Markings of PCBs and PCB Items (40 CFR 761.40-761.79)	X				72	
o TSCA-PCB Cleanup Policy (52 FR 10688)			X			
o TSCA-Storage and Disposal (40 CFR 761.60-761.79)	X				73	
o TSCA-Records and Reports (40 CFR 761.180-761.185; 40 CFR 129.105, 750)	X				75	
o NEPA-40 CFR Part 6				X		Requirements under NEPA will be met through attainment of other ARARs.

2.10 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: UPLAND DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.10.1 Federal (continued)</u>						
o CAA-National Ambient Air Quality Standards (NAAQS) (40 CFR 50.6-50.7)		X			77	
o CAA National Ambient Air Quality Standards for Respirable Particulates (PM-10) (40 CFR 129.105, 750)				X		
o OSHA-General Industry Standards (29 CFR Part 1910)		X			78	
o OSHA-Safety and Health Standards for Federal Service Contracts (29 CFR Part 1926)	X				79	
o OSHA-Recordkeeping, Reporting, and Related Regulations (29 CFR Part 1904)	X				80	
o OSHA-Subpart Z Toxic and Hazardous Substances	X				93	
o DOT Rules for the Transportation of Hazardous Materials (49 CFR Parts 107, 171.1-171.500)	X				83	
o Rivers and Harbors Act (33 CFR Parts 320-329)				X		
o Guidelines, Procedures, Specifications for Denial or Restriction of Disposal for Dredged Material (40 CFR 230)				X		
o Federal Ocean Dumping Permit (MPRSA-Section 103)				X		
<u>2.10.2 State of Massachusetts</u>						
o Massachusetts Contingency Plan (310 CMR 40.00)	X				96	
o Environmental Affairs - MEPA (301 CMR 10.00)				X		Requirements under MEPA will be met by attaining other ARARs.
o DEQE-Hazardous Waste Regs. Phase I and II (310 CMR 30.00)	X				114	
o Department of Environmental Management (302 CMR 2.00-6.00)			X			
o DEQE-Hazardous Waste Management Records and Files Confidentiality (310 CMR 1.00-5.00)				X		
o DEQE-Air Quality, Air Pollution (310 CMR 6.00-8.00)			X			

2.10 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: UPLAND DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.10.2 State of Massachusetts (continued)</u>						
o DEQE-Administration of Waterway Licences (310 CMR 9.00)				X		
o DEQE-Installation, Operation and Maintenance of Solid Waste Transfer Stations; Disposal of Solid Waste by Sanitary Landfill; Operation of Plants for the Purification of Shellfish; State Piers (310 CMR 19.00)			X			
o DEQE-Hazardous Waste Facility Site Safety Council (990 CMR 1.00-16.00)		X			117	
o DEQE-Wetlands Protection (310 CMR 10.00)	X				111	
o DEQE-Surface Water Discharge Permits; Groundwater Discharge Permit Program (314 CMR 3.00, 5.00)	X				119	
o DEQE-Supplemental Requirements for Hazardous Waste Management Facilities; Certification for Dredging, Dredged Material Disposal, and Filling in Waters; Grants for Construction of Collection Systems; Grants for Construction of Wastewater Treatment Facilities; Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges; Rules for the Prevention and Control of Oil Pollution in the Waters of the Commonwealth; Operation and Maintenance Standards for Industrial and Municipal Waste- water Treatment Facilities which Handle Hazardous Waste (314 CMR 8.00-29.00)	X				127	
o DIS-Substances Hazardous to Health (441 CMR 1.00-9.00)		X			135	
o DPH-Right to Know (105 CMR 650.00)		X			133	
o DEQE-Right to Know (310 CMR 33.00)		X			131	
o DLI-Right to Know (454 CMR 21.00)		X			132	

2.10 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: UPLAND DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.10.3 Federal Criteria, Advisories, and Guidance (FCAG)</u>						
o OSHA Non-Workplace Health and Safety Standards				X		
o EPA's Groundwater Protection Strategy			X			
o TSCA Compliance Policy			X			
o TSCA Section 8D Health and Safety Data			X			
o Waste Load Allocation Procedures (EPA Office of Water)				X		
o Pesticide Registration Data				X		Pesticides have not been identified as contaminants of concern.
o Public Health Basis to List Pollutants as Hazardous under Section 112 of CAA			X			
<u>U.S. EPA RCRA Design Guidelines</u>						
o EPA's RCRA Design Guidelines						
1. Surface Impoundments, Liner Systems, Final Cover and Freeboard Control			X			
2. Waste Pile Design - Liner Systems			X			
3. Land Treatment Units				X		
4. Landfill Design - Liner Systems and Final Cover			X			
o Permitting Guidance Manuals						
1. Permit Applicants' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities			X			
2. Permit Writers' Guidance Manual for Hazardous Waste Land Treatment, Storage and Disposal Facilities			X			
3. Permit Writers' Guidance Manual for Subpart F			X			
4. Permit Applicants' Guidance Manual for General Facility Standards			X			

2.10 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: UPLAND DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.10.3 FCAG (continued)</u>						
5. Waste Analysis Plan Guidance Manual			X			
6. Permit Writers' Guidance Manual for Hazardous Waste Tanks				X		
7. Model Permit Application for Existing Incinerators				X		
8. Guidance Manual for Evaluating Permit Applications for the Operation of Hazardous Waste Incinerator Units				X		
9. A Guide for Preparing RCRA Permit Applications for Existing Storage Facilities				X		
10. Guidance Manual on Closure and Post-Closure Interim Status Standards			X			
o Technical Resource Documents						
1. Evaluating Cover Systems for Solid and Hazardous Waste			X			
2. Hydrologic Simulation of Solid Waste Disposal Sites			X			
3. Landfill and Surface Impoundment Performance Evaluation			X			
4. Lining of Water Impoundments and Disposal Facilities			X			
5. Test Methods for Evaluating Solid Wastes				X		
6. A Method for Determining the Compatibility of Hazardous Wastes				X		
7. Guidance Manual on Hazardous Waste Compatability				X		
<u>EPA Office of Water Guidance Documents</u>						
o Technical Support Document for Water Quality Based Toxics Control						
				X		

2.10 ACTION-SPECIFIC ARARs AND CRITERIA AND GUIDANCE
FOR SITE-SPECIFIC REMEDIAL ACTION: UPLAND DISPOSAL (continued)

REQUIREMENT	APPLICABLE	RELEVANT AND APPROPRIATE	TO BE CONSIDERED	NOT ACTION SPECIFIC	SEE PAGE	COMMENTS
<u>2.10.3 FCAG (continued)</u>						
o 304(G) Guidance Document Revised Pretreatment Guidelines				X		
o Ecological Evaluation of Proposed Discharge of Dredged Material into Ocean Waters				X		
o NPDES Best Management Practices Guidance Manual (6/81)				X		
o Case Studies on Toxicity Reduction Evaluation (5/83)				X		
o Groundwater/UIC Guidance Document - Interim Guidance for Public Participation			X			
<u>USEPA Manuals From the Office of Research and Development</u>						
o EW 846 Methods - Laboratory Analytical Methods				X		
o Lab Protocols Developed Pursuant to Clean Water Act §304(h)				X		
<u>2.10.4 Massachusetts Criteria, Advisories, and Guidance (MCAG)</u>						
o Massachusetts Guidance on Acceptable Ambient Air Levels (AALs)			X			

3.0 FEDERAL REGULATIONS

This section presents a summary of those Federal regulations which are considered applicable or relevant and appropriate (ARARs) to the evaluation, selection and implementation of remedial actions at the site. To facilitate review, a table of contents for this section is included.

<u>ACT</u>	<u>REQUIREMENT</u>	<u>PAGE</u>
RCRA	Standards for owners and operators of permitted hazardous waste facilities.	57
RCRA	Preparedness and Prevention	59
RCRA	Contingency Plan and Emergency Procedures	60
RCRA	Groundwater Protection	62
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CWA	NPDES Permit	70
TSCA	Marking of PCBs and PCB Items	72
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TSCA	Records and Reports	75
CAA	National Air Quality Standards for Total Suspended Particulates	77
OSHA	General Industry Standards	78
OSHA	Safety and Health Standards for Federal Service Contracts	79
OSHA	Record Keeping, Reporting, and Related Regulations	80
NEPA	National Environmental Policy Act	81
ARPA	Protection of Archaeological Resources	82

	D.O.T. Rules for the Transportation of Hazardous Materials	83
	River and Harbor Act	84
CWA	Dredged Material Disposal Site Criteria	85
ESA	Endangered Species Act	87
FWCA	Fish and Wildlife Coordination Act	88
	Fish and Wildlife Conservation Act	89
CZMA	Coastal Zone Management Act	90
MPRSA	Federal Ocean Dumping Requirements	91
CWA	Permit for Dredged or Fill Material	92
OSHA	Subpart Z - Toxic and Hazardous Substances	93

FEDERAL REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
1) Standards for owners and operators of permitted hazardous waste facilities. Subpart B-Facility Standards (40 CFR 254.10-264.18)	RCRA	8/86	EPA/EPA Identification Number	EPA/DEQE	EPA - if Mass. does not have an approved program. DEQE - if Mass. does have an approved RCRA program.

REGULATION REQUIREMENTS

General Facility Requirements outline general waste analysis, security measures, inspections, training requirements and location standards.

264.13 General Waste Analysis - Obtain detailed chemical and physical analysis of waste sample. Sample analysis must be repeated (minimum) when it is believed waste characteristics have changed. A written waste analysis plan must be developed and maintained on-site. This plan must specify the parameters to be analyzed, test methods, sampling method, frequency of analysis.

264.14 Security - Operator must prevent unknowing entry to active site by people and livestock by a 24-hour surveillance system which continuously monitors and controls entry into active area or an artificial or natural barrier (e.g., fence) with a means to control entry at all times (attendant, lock, TV). Signs stating "Danger - Unauthorized Personnel Keep Out" must be posted at all entrances and in sufficient numbers to be seen from any approach. Signs must be in English and any other predominant local language and able to be read from a distance of 25 feet.

264.15 General Inspection Requirements - Inspections must be made to identify problems which could result in release of hazardous waste or a threat to human health. Owner must develop a written inspection program and keep the schedule at the facility. Schedule must identify problems to be looked for and outline terms and frequency of inspections. Owner must fix any problems noted so that a health or environmental hazard does not exist. All inspections are to be recorded in an inspection log and must be kept for at least three years. Records must include date, time of

FEDERAL REGULATIONS
(continued)

the inspection, inspector's name, observations made and remedial action taken.

264.16 Personnel Training - All personnel must complete an on-the-job training program to ensure facility compliance. This program is to be approved in the RCRA permit application. The program must be taught by a qualified hazardous waste individual. The course must teach:

- management procedures;
- emergency equipment and procedures;
- equipment use, inspection, repair;
- communication or alarm systems;
- response to fires, groundwater contamination; and
- shutdown procedures.

Program must be conducted within 6 months of employment and an annual review must be given. The following information will be kept on site: job title, employee name, job description, including responsibilities and requisite skill, education and training required and given. Records documenting employee training and/or experience must be kept until facility closure. Former employee records must be kept for 3 years.

264.18 Location Standards - Floodplains - A facility located in the 100 year floodplain must be designed, constructed and operated to prevent washout by the 100 year flood.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
2) Preparedness and prevention (40 CFR 264.30-264.37)	RCRA	8/86		[Included with RCRA Permit]	

REGULATION REQUIREMENTS

This regulation outlines requirements for safety equipment and spill control.

264.31 Design and Operation of Facility - Designed, constructed, maintained, operated to minimize the possibility of fire, explosion or unplanned release of hazardous waste to air, soil or surface water which could threaten human health or environment.

264.32 Required Equipment - Internal communications or alarm system; telephone for contacting outside emergency assistance; fire protection, spill control equipment and decontamination equipment; water for fire protection equipment.

264.33 Testing and Maintenance of Equipment - All equipment to be tested/maintained in good working order.

264.34 Access to Communications or Alarm Systems - All personnel involved in handling operations must have access to the internal alarm or communication device.

264.35 Required Aisle Space - Aisle space is not anticipated on this project.

264.37 Arrangements With Local Authorities - Familiarize police, fire departments and emergency response teams with facility layout, operation and hazardous waste properties. Establish chain of responsibilities for outside assistance. Familiarize hospital with hazardous waste characteristics and potential illnesses. Document any lack of cooperation with state/local officials.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
3) Contingency Plan and emergency procedures (40 CFR 264.50-264.56)	RCRA	8/86		[Included with RCRA Permit]	

REGULATION REQUIREMENTS

This regulation outlines the requirements for the contingency plan and emergency procedures. More specifically each facility must have a contingency plan which is implemented immediately upon fire, explosion or release of harmful hazardous waste constituents. Contingency plan is designed to minimize the hazards to human health and/or environment of a fire, explosion or release of hazardous waste.

264.52 Content of Contingency Plan - Plans must describe:

- actions to be taken;
- compliance with SPCC Plan;
- agreements with local emergency services; and
- names, addresses and phone numbers of all qualified emergency coordinators in descending order of responsibility.

For new facilities this is turned in at time of certification not permit application. Plan must also include a list of emergency equipment, location of equipment, description and equipment capabilities. Plan must also include evacuation plan with a description of evacuation signals and routes to be followed.

264.53 Copies of Contingency Plan - Copies kept at facility; submitted to police, fire, hospitals and emergency response teams.

264.54 Amendment of Contingency Plan - Amend immediately upon; facility permit revision, failure of contingency plan, facility change, list of emergency coordinators change, list of emergency equipment changes.

264.55 Emergency Coordinator - On-site or on-call and responsible for coordinating all emergency measures. Must be familiar with facility, contingency plan, and location of records.

FEDERAL REGULATIONS
(continued)

264.56 Emergency Procedures - In case of emergency, emergency coordinator must follow procedures outlined in this section.
NOTE: Not detailed here as it regards operation of facility.

FEDERAL REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
4) Groundwater Protection (40 CFR 264.90-264.109)	RCRA	8/86		[Included with RCRA Permit]	

REGULATION REQUIREMENTS

This regulation details the groundwater monitoring program required for the RCRA permit. Upon issuance of the facility permit the Regional Administrator will specify the monitoring and response program required. In the facility permit the regional administrator will specify the hazardous constituents, the concentration limits, the point of compliance, and the compliance monitoring period. Three specific monitoring programs can be specified, these are:

- o 40 CFR 264.98-Detection Monitoring Program;
- o 40 CFR 264.99-Compliance Monitoring Program;
- o 40 CFR 264.100-Corrective Action Program.

General groundwater monitoring requirements are outlined in 40 CFR 264.97 and outlined here.

264.97a - A sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples from the uppermost aquifer need to determine quality of background water and represent quality of groundwater passing the compliance point.

264.97c - All monitoring wells must be cased in a manner that maintains the integrity of the bore hole. Casing must be screened/perforated, gravel packed. The annular space above the sampling depth must be sealed to prevent contamination.

264.97d/e/f/g - Minimum program procedures and techniques for sample collection, preservation, shipment, analytical procedures, chain-of-custody control, groundwater surface elevation. Where appropriate, establish background groundwater quality. Under detection monitoring program upgradient well samples quarterly for one year. Under compliance program background groundwater quality based on data from upgradient wells before permit issued, accounts for measurement errors and seasonal fluctuations.

264.97h - Outlines statistical procedures to be used in determining whether background levels or concentration limits have been exceeded.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
5) Closure and post-closure (40 CFR 264.110 -264.120)	RCRA	8/86		[Included with RCRA Permit]	

REGULATION REQUIREMENTS

- This regulation details the specific requirements for closure and post-closure of hazardous waste facilities.

264.111 Closure Performance Standards - Close the facility to minimize maintenance. Control, minimize, or eliminate post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition to ground or surface waters or to the atmosphere.

264.112 Closure Plan; Amendment of Plan - Requires written closure plan to be submitted with permit application and include the steps necessary to close facility including:

- how each unit will be closed;
- how the entire facility will be closed including maximum limits;
- an estimate of the maximum inventory of hazardous waste ever on site;
- methods for closure.

In addition, a detailed description must be provided to outline all other activities necessary during the closure period to ensure closure performance standards. A schedule must also be developed that includes total time required to close each unit and time required for intervening closure activities.

Also included in this section are the procedures for the plan amendment and related requirements and the procedures for notification of partial closure and full closure.

264.113 Closure: Time Allowed For Closure - Within 90 days after receiving the final volume of hazardous waste material, operator must treat, remove or dispose of the material. Owner or operator must complete partial and final closure within 180 days. This time can be extended if criteria in this section are met.

FEDERAL REGULATIONS
(continued)

264.114 Disposal or Decontamination of Equipment, Structures and Soils - During closure periods all contaminated equipment, structures and soils must be properly disposed of or decontaminated.

264.115 Certification of Closure - Certification of closure must be sent to the Regional Administrator by registered mail within 60 days of closure of each unit or final closure. The certification must be signed by an owner or operator and by an independent registered professional engineer.

264.116 Survey Plat - At same time as certification of closure a survey plat prepared and certified by a professional land surveyor must be sent to the Regional Administrator and the local zoning authority. Plat must contain a prominent note stating owner's obligation to restrict disturbance of the unit.

264.117 Post-Closure Care and Use Of Property - Post-closure care must continue for 30 years including; monitoring, maintenance and reporting (flexibility exists). Security measures may be required to continue under post-closure. Post-closure unit must not be disturbed.

264.118 Post Closure Plan; Amendment of Plan - A written post closure plan must be submitted with the permit application and approved as part of permit issuance. Post-closure plan must identify activities carried on after closure, including:

- frequency of activities;
- description of monitoring and maintenance activities;
- the integrity of the cap and final cover; function of monitoring equipment; and
- name, address and phone number of post-closure person to contact.

Amendment of Plan - Details for amending post-closure plan are specified but not included here.

264.119 Post-Closure Notice - Certification of closure filed within 60 days to local zoning authority and regional administrator. Also, record a notation on the deed which notifies a potential purchaser that the was land used for hazardous waste, and submit certification verifying note.

264.120 Certification of Completion of Post-Closure Care - No later than 60 days after completion of post-closure the owner must submit certification by owner and registered professional engineer by registered mail to the Regional Administrator.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
6) Surface Impoundments (40 CFR 264.220-264.249)		8/86			[Included with RCRA Permit]

REGULATION REQUIREMENTS

264.211 Design and Operating Requirements - All new surface impoundments must install two or more liners and a leachate collection system between the liners. Liners must be designed, operated and constructed to prevent migration. Bottom liner can be a 3-foot recompacted clay layer if permeability does not exceed 1×10^{-7} cm/sec. The double liner requirement may be waived if it is a monofill and if:

- the liner in place shows no evidence of leaking;
- the monofill is located more than one quarter mile from an underground drinking water source; and
- is in compliance with part F, RCRA ground monitoring requirements.

Surface Impoundment must be designed, operated and maintained not to overtop. Must be designed to be structurally stable (Administrator will outline design considerations).

264.226 Monitoring and Inspection - During construction and installation, liners must be checked for integrity. While in operation surface impoundment must be inspected weekly and after storm events. Impoundment must be certified by a qualified engineer within six months.

264.227 Emergency Repairs; Contingency Plans - Surface impoundment shall be removed from service if liquid level drops suddenly or if dike leaks. Upon removal, immediately shut off flow, contain leakage, stop leak, and prevent catastrophic failure. This information must be included in contingency plan. If a leak can't be stopped, then empty impoundment and notify administrator.

264.228 Closure and Post-Closure Care - At closure, owner must remove or decontaminate all waste etc. or eliminate free liquid, stabilize remaining waste, cover impoundment with a cover that:

FEDERAL REGULATIONS
(continued)

- provides long term migration minimization;
- requires minimum maintenance;
- promotes drainage;
- minimizes erosion and accommodates settling and subsidence.

Integrity of cover system must be maintained, groundwater system monitored, and run-off controlled.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
7) Landfills (40 CFR 264.300- 264.339)	RCRA	8/86			[Included with RCRA Permit]

REGULATION REQUIREMENTS

- 264.301 Design and Operating Requirements - At new facilities, two liners must be installed to prevent contamination of the groundwater. Above and sandwiched in between the liner systems must be a leachate collection system. The lower liner may be a properly designed and constructed 3-foot thick layer of recompacted clay with a permeability of no more than 1×10^{-7} cm/sec. Run-on and run-off control systems must be capable of passing the 24-hour, 25-year storm event. These systems must be emptied expeditiously following storm events.

264.303 Monitoring and Inspection - Liners after installation must be inspected for any cracks, tears, etc. Weekly inspections (and following storms) need to be conducted to check proper operation of run-off/run-on systems, wind dispersal control systems, and presence of leachate.

264.309 Surveying and Recordkeeping - Note on map contents of cell and location of each hazardous waste within cell. Mark on a map exact location, dimension and depth of cells and install permanent survey benchmarks.

264.310 Closure and Post-Closure Care - At final closure a final cover must be designed and constructed to prevent migration of liquids, need minimum maintenance, promote drainage, minimize erosion, accommodate settling and have a permeability similar to the bottom liner. After final closure the owner must maintain cover integrity, continue to operate leachate collection system, maintain groundwater monitoring program, maintain run-off/run-on system, and maintain survey benchmarks.

NOTE: Effective July 1, 1987, land disposal of liquid hazardous wastes containing polychlorinated biphenyls at concentrations greater than or equal to 50 ppm is prohibited. Federal Laws, Environmental Reporter, November 8, 1984.

FEDERAL REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
8) Incinerators (40 CFR 264.30-264.99)	RCRA	8/86			[Included with RCRA Permit]

REGULATION REQUIREMENTS

264.341 Waste Analysis - As part of the trial burn, a waste feed analysis needs to be conducted and throughout normal operations sufficient waste feed samples need to be taken to verify waste feed quality.

264.342 Principal Organic Hazardous Constituents (POHCs) - One or more POHC will be specified in facility permit.

264.343 Performance Standards - An incinerator burning hazardous waste must achieve a destruction and removal efficiency of 99.99% of the POHC. HCL stack emissions must be controlled to no greater than the larger of either 1.8 kg/hour or 1% of the HCL in the stack gas prior to pollution control equipment.

264.344 Hazardous Waste Incinerator Permits - Only hazardous waste specified in the operating permit can be burned and only according to operations conditions.

264.345 Operating Requirements - Operating requirements will specify waste feed and the following parameters will be monitored:

- carbon monoxide level in exhaust stack gas;
- waste feed rate; combustion temperature; and
- combustion gas velocity.

During start-up and shut-down the hazardous waste feed must be stopped. The incinerator shall be equipped with automatic feed stoppage.

264.347 Monitoring and Inspection - The following monitoring must take place; combustion temperature, waste feed rate, combustion gas velocity, carbon monoxide downstream of combustion chamber. Incinerator and associated equipment must be subjected to thorough visual inspection and all emergency systems must be tested or inspected weekly. All records should be kept in an operating log.

FEDERAL REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
9) Land Disposal Restrictions (40 CFR 268)		7/87	EPA		

REGULATION REQUIREMENTS

Subpart A - General - Contaminated soil or debris resulting from a CERCLA response action may continue to be land disposed until November 8, 1988.

268.4 Treatment Surface Impoundment Exemption - Prohibited wastes may be treated in a surface impoundment.

268.32 Waste Specific Prohibitions - Prohibited wastes include:

- liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm; and
- liquid hazardous wastes containing HOCs in total concentrations greater than or equal to 1000 mg/l and less than 10,000 mg/l.

268.42 Treatment Standards Expressed as Specified Technologies - The following wastes must be treated using the identified technology:

- liquid PCB wastes at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated or burned in high efficiency boilers. PCBs at concentrations greater than or equal to 500 ppm must be incinerated; and
- nonliquid HOC wastes in total concentration greater than or equal to 1,000 mg/kg must be incinerated.

FEDERAL REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
10) NPDES Regulations (40 CFR 122)	CWA	9/85	EPA/ Application DEQE	EPA/ Mass	EPA Issues NPDES Permit
NPDES Regulations (40 CFR 125)		3/85			
NPDES Regulations (Section 402)		2/87			
Pretreatment Standards (Section 403)		2/87			

REGULATION REQUIREMENTS (NPDES Regulations - 40 CFR 122)

Permits are required for the discharge of pollutants from any point source into waters of the United States. Point source means any discernable, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, . . . , vessel, or other floating craft from which pollutants are or may be discharged. Waters of the United States means all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (mudflats, sandflats, etc.).

Discharges of dredged or fill material into waters of the United States are exempt from NPDES permit requirements as they are covered under Section 404 of the CWA. If a leachate collection system is installed (or any other point source discharge is created) then an NPDES permit is required. The requirements of the NPDES permit are:

- compliance with applicable water quality standards;
- establishment of a discharge monitoring system; and
- the routine completion of the discharge monitoring records.

REGULATION REQUIREMENTS (NPDES Regulations - 40 CFR 125)

If a leachate collection system is installed (or any other point source discharge is created) then the conditions of Subpart K -

FEDERAL REGULATIONS
(continued)

"Criteria and Standards for Best Management Practices" are applicable.

125.103 Permit Terms and Conditions - Best management practice (BMP) permit requirements shall consider the toxicity of pollutants, quantity of pollutant, potential for adverse impact, and any other factors relevant to the control of toxic pollutants.

125.104 Best Management Practice Programs - BMP programs shall be developed using good engineering practices, be documented in narrative form, establish specific toxic pollutant control objectives (including facility system analysis and potential accidental discharge amounts). The BMP program may also require a SPCC plan, and solid and hazardous waste requirements as specified under RCRA. A description of the BMP program must be kept at the facility.

REGULATION REQUIREMENTS (NPDES Regulations - Section 402)

The EPA may, after opportunity for public hearing, issue a permit for the discharge of any pollutant, or combination of pollutants, under condition that such discharge will meet either (1) all applicable requirements under Sections 301, 302, 306, 307, 308, and 403 of this Act (CWA) or (2) such conditions as the EPA determines are necessary to carry out the provisions of this Act.

REGULATION REQUIREMENTS (Pretreatment Standards - Section 403)

If a leachate collection system is installed (or any other treatment system) and the discharge of this system is sent to a public owned treatment works (POTW) then these pretreatment standards are applicable. The New Bedford wastewater treatment facility is in the process of obtaining an approved pretreatment program. If collected leachate runoff etc. is directed to this facility then it must be in compliance with this approved program and meet the following requirements. Prior to discharging to the New Bedford facility (or another approved POTW) a report must be submitted containing identifying information, list of approved permits, description of operations, flow measurements, measurement of pollutants, certification by a qualified professional, and compliance schedule.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
11) TSCA- Markings of PCB and PCB items 40 CFR 761.40- 761.45)	TSCA	7/85	EPA/DEQE	EPA	EPA

REGULATION REQUIREMENTS

761.40 Marking Requirements - Each PCB storage area, PCB disposal items and transport vehicles (or equipment) shall be marked by the M_L mark and placed in an easily readable position.

FEDERAL REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
12) TSCA- Storage and Disposal (40 CFR 761.60- 761.79)	TSCA	7/85	EPA/DEQE	EPA (Regional Administrator)	EPA

REGULATION REQUIREMENTS

761.60 Disposal Requirements - All dredged materials that contain PCBs greater than 50 ppm shall be disposed of in a compliance incinerator, in a compliance chemical waste landfill, or using another approved method.

761.70b - Incineration of Nonliquid PCBs - Mass air emissions shall not exceed .001g PCB/kg of introduced PCB. Combustion efficiency shall be at least 99.9%. The rate and quantity of the PCBs fed to the combustion system shall be measured and recorded at regular intervals not to exceed 15 minutes. The temperatures of the incineration process shall be continuously monitored and recorded. Monitoring of stack emission products shall be conducted when the incinerator is first used for PCB destruction monitoring for the following parameters; O₂, CO, CO₂, NO, HCL, PCBs, and total particulate matter. Monitoring and recording of combustion products for O₂, CO, and CO₂. Monitoring of CO and O₂ shall be continuous; CO₂ shall be periodic. PCB flow rate shall stop automatically when any of the monitoring operations fail or any of the feed rate measuring or recording equipment fail. Water scrubbers shall be used for HCL control.

(c) - All data and records will be maintained.

(d) - Incinerator application shall include location of incinerator, detailed description of incinerator, engineering reports on anticipated performance, sampling, monitoring and facilities equipment, expected waste volumes, local, state or federal permits, schedules and compliance plans. A trial burn may be required. If so, a plan must be submitted including date of trial burn, quantity and type of PCBs to be incinerated, parameters to be monitored and sample point location, sample frequency, methodology and schedules for sample analysis, and the names, address and qualifications of personnel who review work results.

FEDERAL REGULATIONS
(continued)

761.75 Chemical Waste Landfill - Technical requirements for a chemical waste landfill include:

- soils - thick high clay silt area, in-place 4 ft., compacted 3 ft., permeability equal or less than 1×10^{-7} cm/sec, liquid limit >30, plasticity index >715, percent soil passing No. 200 sieve >30;
- synthetic membrane liners - if required, minimum thickness of 30 mls, chemically compatible;
- no surface water hydraulic connection and at least 50 feet above high water table;
- monitoring wells and leachate system protection or constructed above 100 year flood zone;
- surface water runoff diversion, low structures must pass 25-year, 24-hour storm around facility; and
- surface and groundwater monitoring systems established prior to disposal.

Site shall be enclosed with a six foot woven mesh fence (or equivalent) and operated as follows:

- handling shall be done so as not to damage containers or liners;
- ignitable wastes are not allowed;
- liquid untreated wastes are not allowed.

Sites must be maintained to minimize safety hazards. Detailed reporting requirements and permitting requirements are outlined in this section.

761.79 Decontamination - Any container or equipment to be decontaminated shall be flushed three times with a solvent containing less than 50 ppm of PCB.

FEDERAL REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
13) TSCA- Records and Reports (40 CFR 761.180- 761.185)	TSCA	7/85	EPA/DEQE	EPA	EPA

REGULATION REQUIREMENTS

761.180 Records and Monitoring - (b) incineration facilities. Owner shall collect and maintain records for at least 5 years from the date of collection. Records shall include:

- when PCBs are being incinerated, rate, quantities, temperature of combustion process, stack emission products (O₂, CO, CO₂);
- all data and records on the monitoring of stack emissions; and
- total weight (kg) of solid residues generated during the year, solid residue disposed of in landfills, solid residue remaining on the site.

In addition, upon suspension of operations a suspension document should be prepared outlining date and time of closure and an explanation of the circumstances.

761.180 Records and Monitoring - (d) Chemical waste landfill facilities. Owner shall collect and maintain records for at least 20 years after the chemical landfill is no longer used for the disposal of PCBs. Records shall contain the date when PCBs were received by facility, origin of PCBs, owner of PCBs, date of disposal, summary of weight of PCB items and PCBs, total number of PCB items received during the year, any water analysis taken, and any operational records including burial coordinates. All reports should be completed on an annual basis and submitted on July 1 of each year.

REGULATION REQUIREMENTS (TSCA 2/77)

129.105 Polychlorinated Biphenyls (PCBs) - These requirements establish discharge limitations for PCB manufacturers, electrical capacitor manufacturer, and electrical transformer manufacturer. PCBs are essentially prohibited from all existing and new discharges. Ambient water criterion is set at .001 µg/L.

FEDERAL REGULATIONS
(continued)

750 Procedures for Rulemaking Under Section 6 of TSCA - Outlines rulemaking procedures for adding chemicals under TSCA regulations. Not applicable.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
14) National Air Quality Standards for Total Suspended Particulates (40 CFR 50.6-50.7)	CAA	9/85	EPA/DEQE	EPA	EPA

REGULATION REQUIREMENTS

50.6 National Primary Ambient Air Quality Standards for
Particulate Matter - annual geometric mean - 75 micrograms/cubic
meter. Maximum 24 hour concentration - 260 micrograms/cubic
meter.

50.7 National Secondary Ambient Air Quality Standards for
Particulate Matter - annual geometric mean - 60 micrograms/cubic
meter. Maximum 24 hour concentration - 150 micrograms/cubic
meter.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
15) General Industry Standards (29 CFR 1910)	OSHA	6/86			

REGULATION REQUIREMENTS

Classification of Polychlorinated Biphenyls (PCBs) Standards -
Standards do exist for airborne levels of two PCB compounds.
These are: chlorobiphenyl (42% chlorine) - 1 mg/m³;
chlorobiphenyl - 0.5 mg/m³. Repeated skin contact should be
avoided. Values given above are for 8 hour time weighted average.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
16) Safety and Health Standards for Federal Service Contracts (29 CFR 1926)	OSHA	8/86			

REGULATION REQUIREMENTS

OSHA Instruction CPL 2.70 - Special Emphasis Program: Hazardous Waste Sites - This document clearly states OSHA's concern for the safety of worker in RCRA or Superfund hazardous waste facilities. OSHA has been given primary responsibility for worker safety at these sites and their activities are to be coordinated with EPA and the State Safety Agency. OSHA has developed an inspection list for Superfund and RCRA sites which was developed from EPA's site lists. Depending on site activity, the general duty clause or the general industry and/or construction standards may be applicable. The following items must specifically be evaluated for effectiveness:

- respirators, protective clothing and equipment;
- decontamination procedures; and
- heat stress.

In addition, the following equipment is specified for Compliance Safety and Health Officer (CSHO) inspecting hazardous waste sites; jumpsuit, chemical splashsuit, hardhat, footwear, eye protection, respiratory protection, gloves, miscellaneous equipment - flashlight, knife, scissors, first aid kit, etc.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
17) OSHA- Record- keeping Reporting and Related Regulations (29 CFR 1904)	OSHA	2/83			

REGULATION REQUIREMENTS

This Regulation outlines the record keeping and reporting regulations for an employer under OSHA. This regulation will be applicable to the construction company and/or companies which will be contracted to perform site clean up at the New Bedford Harbor site.

FEDERAL REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
18) NEPA (40 CFR 6)	NEPA	4/85	DEQE/EPA EIS	EPA	EPA- EIS

REGULATION REQUIREMENTS

NEPA requirements (i.e., the generation of an environmental impact statement) do not apply to the CERCLA regulations. In the case of removal actions an EIS is unnecessary because the procedures set forth in the National Contingency Plan (RI/FS) is similar to the EIS. Note, special attention must still be given to wetlands/floodplain protection. A floodplains/wetlands assessment must be incorporated into the RI/FS conducted during the planning of remedial actions. This procedure is outlined in a memorandum entitled, "Policy on Floodplains and Wetland Assessments for CERCLA Actions" dated April 11, 1985.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
19) Protection of Archaeo- logical Resources (32 CFR Part 229, 229.4; 43 CFR 7, 7.4)	ARPA	7/86			

REGULATION REQUIREMENTS

These regulations outline the need to receive an archaeological permit before excavating an archeological site. The regulations also state "No person shall remove, excavate or damage ... archaeological resources on public lands without a permit." Thus, if dredging operations or facility construction encountered any archaeological items, work could not commence in that area without a permit.

FEDERAL REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
20) D.O.T. Rules for the HMTA Transportation of Hazardous Materials (49 CFR 107; 171.1-171.500)	HMTA	11/85	D.O.T./ Hazardous Waste Transportation Registration	D.O.T.	D.O.T. Vehicle Registration Numbers

REGULATION REQUIREMENTS

171.2 General Requirements - It is unlawful to transport hazardous waste unless the waste is properly classified, packaged, marked and labelled. Transportation vehicles, containers, etc. must have registration numbers including the letters D.O.T.

171.3 Hazardous Waste - A manifest must be issued for hazardous waste transportation. All motor vehicles are to be marked and entire volume of hazardous waste must be delivered to designated facility or designated subsequent carrier.

FEDERAL REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
21) Rivers and Harbors Act (33 CFR Parts 320-329)	CWA	3/85	USACE/EPA 404 Permit Application	USACE/EPA	USACE/ Issues Permit

REGULATION REQUIREMENTS

- Two areas need to be addressed in accordance with the Rivers and Harbor act and Section 404 of the Clean Water Act.

Part 322 - Outlines requirements for structures or work in, or affecting navigable waters of the United States (Section 10 of the River and Harbor Act).

Part 323 - Outlines requirements for discharges of dredged or fill material into waters of the United States. A Section 404 permit normally would be required if dredging will occur in the channel area with filling occurring in the adjacent wetlands. Section 404 requirements are extensive and reference other regulations, legislation which are "ARAR" to the Section 404 permit as well as the CERCLA work. The following considerations are evaluated in the approval process.

- Effects on wetlands;
- Effects on floodplains;
- Effects on coastal zone;
- NEPA;
- Fish and Wildlife Coordination Act;
- Endangered Species Act;
- National Historic Preservation Act;
- NPDES Requirements;
- Water quality;
- Activities in Marine Sanctuaries;
- Energy conservation; and
- Navigation.

FEDERAL REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
22) Guidelines, CWA Procedures Specifications for Denial or Restriction of Disposal Sites for Dredged Material (40 CFR 230)		11/79	DEQE/EPA/USACE, 404 Permit	EPA/USACE	EPA issues Permit

REGULATION REQUIREMENTS

Subpart B Compliance with the Guidelines - 230.10 Restriction on Discharges - (a) no discharge shall be permitted if there is a practicable alternative which would have less impact on the aquatic ecosystem. (b) no discharge of dredged material will be permitted if it:

- violates any state water quality criteria;
- violates any toxic effluent standard;
- is prohibited under Section 307 of CWA; and
- threatens an endangered species.

(c) no discharge will be permitted if it will cause or contribute to significant degradation of U.S. waters. (d) no discharge will be permitted unless steps have been taken to minimize potential adverse impacts.

230.11 Factual Determinations - Potential short and long term effects will be determined for all proposed discharges based on a variety of physical, chemical and biological parameters outlined in this section.

Subpart C - Potential Impacts on Physical and Chemical Characteristics of the Ecosystem - This subpart outlines the potential impacts to be analyzed for each area listed; substrate, suspended particulates/turbidity, water, current patterns and water circulation, normal water fluctuations, and salinity gradients.

Subpart D - Potential Impacts on Biological Characteristics of the Aquatic Ecosystem - Impacts need to address; threatened and endangered species, fish, crustacians, mollusks, and other aquatic organisms in the food web, and other wildlife.

FEDERAL REGULATIONS
(continued)

Subpart E - Potential Impacts on Special Aquatic Sites - Impacts need to address; sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, riffle, and pool complexes.

Subpart F - Potential Effects on Human Use Characteristics - Effects to be considered are effects on municipal and private water supplies, water-related recreations, aesthetics, national parks, etc.

Subpart G - Evaluation and Testing

Subpart H - Actions to Minimize Adverse Effects - Proposed actions to include actions concerning the discharge location, actions concerning material to be discharged, actions controlling material after discharge, actions affecting dispersion method, actions related to technology, actions affecting plant and animal populations, and actions affecting human use.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
23) Endangered Species Act (16 U.S.C. 1531; 50 CFR 81, 225,402)	ESA	10/85			

REGULATION REQUIREMENTS

The Endangered Species Act directs the states to establish programs for the protection of endangered or protected species in the state's jurisdiction. The states can apply for federal assistance by filing an application with the Federal Government and entering into a cooperative agreement. In complying with the requirements of Section 404, the Massachusetts Department of Fish and Wildlife should be contacted to determine if any threatened or endangered species exist in the vicinity of the work area. Wildlife could include the Indiana Bat (*myotis sodalis*), and Plymouth Red-Bellied Turtle (*pseudmys rubriventris bangsi*). Plants could include the Small Whorled Pogonia (*orchidaceae-isotria medeolodes*).

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
24) Fish and Wild- life Coordination Act (16 U.S.C. 661)	FWCA	11/79			

REGULATION REQUIREMENTS

The Fish and Wildlife Coordination Act directs any Federal Agency that proposes to modify and body of water to first consult with the U.S. Fish and Wildlife Services and the National Marine Fisheries Service. The director of the Mass. Department of Fish and Wildlife would exercise administration over the wildlife resources for the state. This would be addressed in the Section 404 requirements.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
25) Fish and Wild- life Conservation Act (16 USC 2901; 50 CFR 83)	FWCA	10/85			

REGULATION REQUIREMENTS

The Fish and Wildlife Conservation Act directs Congress to appropriate funds for designated state agencies to establish programs and/or set aside lands for fish and wildlife conservation. In fulfilling the requirements of Section 404, the Massachusetts Department of Fish and Wildlife would need to be contacted to ensure this work area is not in conflict with a conservation area.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
26) Coastal Zone Manage- ment Act (16 U.S.C. 1451; 15 CFR 930, 923.45)	CZMA	9/85			

REGULATION REQUIREMENTS

923 Coastal Zone Management Program Development and Approval Regulations - This section of the Coastal Zone Management Act outlines the procedures and requirements a state must adopt in order to have a federally approved Coastal Zone Management Act.

930 Federal Consistency with Approved Coastal Management Programs - Subpart C of this section outline the requirements of the Federal Government to insure consistency with the approved state program. Any federal agency(s) proposing to do work in a state's coastal zone must submit to that state a consistency determination outlining how all work to be performed is consistent with the approved state program. Consistency determinations shall be submitted at least 90 days before final approval and contain a description of the activity, its direct effects (e.g., air and water waste discharges), associated facilities and the direct effects of the associated facilities.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
27) Federal Ocean Dumping Permit (MPRSA - Section 103)	MPRSA	2/87	USACE, EPA	EPA, USACE, MASS	USACE issues permit

REGULATION REQUIREMENTS (MPRSA - Section 103)

A section 103 permit authorizes the transportation of dredged material for the purpose of dumping it into ocean waters.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
28) Permits for Dredged or Fill Material (CWA - Section 404)	CWA	3/87	EPA	EPA/ USACE	EPA issues permit

REGULATION REQUIREMENTS (CWA - Section 404)

A 404 permit authorizes the discharge of dredged or fill material into the navigable waters of the United States. Any activity involving a discharge of dredged or fill material which subjects an area of the navigable waters into a use to which it was not previously subject, impairs flow or circulation, or reduces the reach of navigable waters must be permitted.

FEDERAL REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
29) Occupational Safety and Health Standards Subpart Z - Toxic and Hazardous Substances					

REGULATION REQUIREMENTS

1910.1000 Air Contaminants (a)(2) - An employee's exposure to the listed materials in any 8-hour work shift of a 40-hour work week, shall not exceed the given 8-hour time weighted average (TWA).

<u>Substance</u>	<u>TWA (mg/m³)</u>
Chlorodiphenyl (42 percent chlorine) - skin*	1
Chlorodiphenyl (54 percent chlorine) - skin*	0.5

* Skin notation refers to the potential contribution to the overall exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance.

4.0 MASSACHUSETTS REGULATIONS

This section presents a summary of the environmental regulations for the Commonwealth of Massachusetts which are considered applicable or relevant and appropriate to the evaluation, selection, and implementation of remedial actions at the site. To facilitate review, a table of contents for this section is included.

<u>REQUIREMENT</u>	<u>PAGE</u>
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MASSACHUSETTS REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
1) DEQE - Mass. Contingency Plan (310 CMR 40.00)	M.G.L. c. 30A Section 6	10/88	DEQE	DEQE	DEQE

REGULATION REQUIREMENTS

The MCP provides the procedures and requirements for the identification, notification, and response to the release, or threat of release, of oil or hazardous materials. The regulations also define the involvement of PRPs, other parties, and the public in response actions; and the means by which the DEQE can recover costs they incurred during response actions.

Subpart E: Remedial Response Actions - The regulations under Subpart E include:

- listing of locations and disposal sites and how to determine the extent and timing of response activities,
- the phases of response actions, and
- required submittals and approvals.

Of these regulations, the requirements outlined in Phase IV - Implementation of Approved Remedial Response Alternative will need to be considered during the performance of the final, approved remedial action.

As the New Bedford Harbor site is a confirmed state hazardous material site and listed on the National Priorities List, joint federal and state jurisdiction exists. Cooperative agreements and contracts with the federal government shall incorporate, to the extent possible, the deadlines and specifications of MGL c.21E and the MCP.

MASSACHUSETTS REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
2) MEPA - Environmental Affairs (30 CMR 10.00)	MEPA	7/79	Office of Environmental Affairs; Environmental Impact Report	Office of Environ-mental Affairs	Office of Environmental Affairs

REGULATION REQUIREMENTS

These regulations outline the provisions, definitions and procedures for complying with the Massachusetts Environmental Policy Act. These regulations describe the process for filing an Environmental Impact Report (EIR) and specify criteria for determining which projects do or don't need an EIR.

Requirements set forth in MEPA, which apply to the New Bedford Harbor, will be attained through compliance with other ARARs. In the case of removal actions, filing an EIR is unnecessary because of procedures set forth in other regulation (i.e., NCP, MCP). As equivalent requirements in the MCP are attained during the implementation of a remedial action, the requirement set forth in MEPA will be met.

MASSACHUSETTS REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
3) Environ-mental Affairs - Coastal Zone Managment Program (301 CMR 20.00-22.00)	M.G.L. c. 6A; M.G.L. c. 21A	7/79	Office of Environmental Affairs	Office of Environ-mental Affairs	Office of Environmental Affairs

REGULATION REQUIREMENTS

20.00 Coastal Zone Management Programs

20.02 Purpose - These regulations are promulgated to establish the Coastal Zone Management (CZM) policies, to ensure that they are administered in a coordinated and consistent manner, and to comply with the requirements of the Federal Coastal Zone Management Act.

20.05 Establishment of the Coastal Zone Management Office and Adoption of the CZM Plan - Coastal Zone Management policies are in two groups. Regulatory and non-regulatory. Regulatory policies in the Coastal Zone shall include:

1. Protect ecologically significant resource areas (salt marshes, shell fish beds, dunes, beaches, barrier beaches, and salt ponds) for their contributions to marine productivity and value as natural habitats and storm buffers;
2. Protect complexes of marine resource areas of unique productivity (Areas for Preservation or Restoration (APR's)/Areas of Critical Environmental Concern (ACEC's), ensure that activities in or impacting such complexes are designed and carried out to minimize adverse effects on marine productivity, habitat values, water quality and storm buffering of the entire complex;
3. Support attainment of the national water quality goals for all waters of the coastal zone through coordination with existing water quality planning and management activities. Ensure that all activities endorsed by CZM in its policies are consistent with federal and state effluent limitations and water quality standards;

MASSACHUSETTS REGULATIONS
(continued)

4. Condition construction in water bodies and contiguous land areas to minimize interference with water circulation and sediment transport and to preserve water quality and marine productivity. Approve permits for flood or erosion control projects only when it has been determined that there will be so significant adverse effects on the project site or adjacent or down coast areas;

5. Ensure that dredging and disposal of dredged material minimize adverse effects of water quality, physical processes, marine productivity and public health;

6. Accommodate off-shore sand and gravel mining needs in areas and in ways that will not adversely affect marine resources and navigation;

7. Encourage the location of maritime commerce and development in segments of urban waterfronts designated as port areas. Within these areas, prevent the exclusion of maritime dependent industrial uses that require the use of lands subject to tidelands licenses;

8. For coastally dependent energy facilities, consider siting in alternative coastal locations. For non-coastally dependent energy facilities consider siting in areas outside of the coastal zone. Weigh the environmental and safety impacts of locating proposed energy facilities at alternative sites;

9. - Accommodate exploration, development and production off-shore oil and gas resources while minimizing impacts on the marine environment, especially with respect to fisheries, water quality and wildlife, and on the recreational values of the coast, and minimizing conflicts with other maritime-dependent facilities serving supply, support or transfer functions to locate in existing developed ports:

- Evaluate indigenous or alternative sources of energy (coal, wind, solar and tidal power) and off-shore mining to minimize adverse impacts on the marine environment, especially with respect to fisheries, water quality, and wildlife, and on the recreational values of the coast;

10. All development must conform to existing applicable state and federal requirements governing sub-surface waste discharges, sources of air and water pollution and protection of inland wetlands;

11. Support designation of scenic rivers in the coastal zone. Support designation of Areas for Preservation or Restoration as "sign-free areas";

12. Review proposed developments in or near designated or registered historic districts or sites to ensure that federal and

MASSACHUSETTS REGULATIONS
(continued)

state actions and private actions requiring a state permit respect their preservation intent and minimize potential adverse impacts;

13. Review developments proposed near existing public recreation sites in order to minimize their adverse impacts;

Non-Regulatory Policies in the Coastal Zone shall include:

1. Encourage and assist commercial fisheries research and development, restoration and management of fishery resources, development of extensive and intensive aquaculture and enhancement of anadromous fisheries initiated at local, state and federal levels;

2. Ensure that state and federally funded public works projects proposed for location within the 100 year coastal floodplain will: not exacerbate existing hazards or damage natural buffers, be reasonably safe from flood and erosion-related damage, and not promote growth and development in damage prone or buffer areas, especially in undeveloped areas of APR's;

3. Encourage acquisition of undeveloped hazard prone areas for conservation or recreation use, and provide technical assistance for hazard areas zoning and mitigation of erosion problems;

4. Provide funding for protection from tidal flooding and erosion, emphasizing the use of non-structural measures where feasible;

5. Encourage, through technical assistance and review of publicly funded development, compatibility of proposed development with local community character and scenic resources;

6. Promote the widest possible public benefit from channel dredging, ensuring that designated ports and developed harbors are given highest priority in the allocation of federal and state dredging funds. Ensure that this dredging is consistent with marine environment policies;

7. Encourage through technical and financial assistance expansion of water dependent uses in designated ports and developed harbors, redevelopment of urban waterfronts and expansion of visual access;

8. Improve public access to coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation. Link existing coastal recreation sites to each other or to nearby coastal inland facilities via trails for bicyclists, hikers and equestrians, and via rivers for boaters;

MASSACHUSETTS REGULATIONS
(continued)

9. Increase capacity of existing recreation areas by facilitating multiple use and by improving management, maintenance and public support facilities. Resolve conflicting uses whenever possible through improved management rather than through exclusion of uses;

10. Provide technical assistance to developers of private recreational facilities and sites that increase public access to the shoreline;

11. Expand existing recreation facilities and acquire and develop new public areas for coastal recreational activities. Give highest priority to expansions for new acquisitions in regions of high need or where site availability is now limited. Assure that both transportation access and recreational facilities are compatible with social and environmental characteristics of surrounding communities;

12. Encourage energy conservation and the use of alternative sources such as solar and wind power in order to assist in meeting the energy needs of the Commonwealth;

13. Ensure that state and federally funded transportation and wastewater projects primarily serve existing developed areas, assigning highest priority to projects which meet the needs of urban and community development centers; and

14. Encourage the revitalization and enhancement of existing development centers in the coastal zone through technical assistance and federal and state financial support for residential, commercial and industrial development.

This section also outlines procedures for implementing the CZM policies, the organization of citizen advisory committees, and the establishment of the Coastal Resource Advisory Board.

20.06 Procedures for Actions in the Coastal Zone - This section outlines the procedures by which the appropriate Executive Office of Environmental Affairs (EOEA) Agency will implement the CZM program. It outlines steps to be taken to resolve conflict between EOEA Agencies, the procedural steps for public hearings, procedures and criteria for designating areas of critical environmental concern within the coastal zone, and discusses appropriate management program decisions.

21.00 Coastal Zone Management Programs - Federal Consistency Procedures

These regulations establish the procedures and policies to be followed by the CZM office with respect to federal consistency determinations.

MASSACHUSETTS REGULATIONS
(continued)

21.02: List of Federal Activities Requiring Consistency Determinations

(1) The following activities are likely to directly affect the coastal zone and therefore require a federal agency consistency determination:

(a) Army Corps of Engineers

- project authorization for dredging, channel works, breakwaters, other navigation works, erosion control structures, beach replenishment, dams;
- real property acquisition or disposal.

(b) Department of Defense

- location and design of new or enlarged defense installations or their disposal.

(c) Department of Transportation

- location and design of new or enlarged Coast Guard stations, bases or lighthouses or their disposal;
- location and design of aviation communication or air navigation facilities or their disposal.

(d) Department of the Interior

- Bureau of Land Management OCS lease sales;
- National Park Service location and design of facilities or real property acquisition or disposal;
- Fisheries and Wildlife Service location and design of facilities or real property acquisition or disposal.

(e) General Services Administration

- location and design of federal government construction;
- real property acquisition or disposal.

(f) Amtrack, Conrail

- railroad expansions, new construction or abandonments.

21.04 CZM Office Response - Upon receipt of the consistency determination from a federal agency, the CZM office shall review it in order to inform the federal agency of its agreement or disagreement. The CZM office shall agree or disagree on the basis

MASSACHUSETTS REGULATIONS
(continued)

of the specific policies of the CZM program. If the CZM office disagrees it shall follow the procedures set forth on 15 CFR 930.42 - 930.44.

21.06 License and Permit Listing - The following are federal permit and license activities which, if they are likely to directly affect the Coastal Zone, the CZM office shall review for consistency prior to an applicant receiving the federal permit or license:

- (1) Army Corps of Engineers. Section 404, Federal Water Pollution Control Act (33 U.S.C.A. 1344), permit for discharge of dredged or fill materials in navigable waters; Section 10, River and Harbor Act (33 U.S.C.A. 403-404), permit for obstruction or alteration in navigable waters; Section 4(f), OCS Lands Act (43 U.S.C.A. 1333(f)), as amended, permit for artificial islands, installations and other devices permanently or temporarily attached to the seabed of the OCS; Ocean dumping permit, see EPA below.
- (2) Department of Commerce. Section 302(f), Marine Protection Research and Sanctuaries Act (16 U.S.C.A. 1432(f)), approval of activities affecting marine sanctuaries.
- (3) Department of the Interior. Section 5(e), OCS Lands Act (43 U.S.C.A. 13334(e)), as amended, granting of rights of way for oil or gas pipelines on the OCS.
- (4) Department of Transportation. Section 4, Deepwater Ports Act (33 U.S.C.A. 1503), license; Section 9, River and Harbor Act (33 U.S.C.A. 401), permit for construction or modification of bridge structures across navigable waters (Coast Guard);
- (5) Environmental Protection Agency. Sections 402 and 404, Federal Water Pollution Control Act (33 U.S.C.A. 1342, 1344), NPDES permit and ocean dumping activity; Sections 102-104, Federal Water Pollution Control Act (33 U.S.C.A. 1412 - 1414), ocean dumping permit issued in conjunction with Army Corps of Engineers.
- (6) Department of Energy/Federal Energy Regulatory Commission. Sections 301(b), 402(a)(1)(A) and (D), Department of Energy Organization Act (42 U.S.C.A. 7151(b), 7172(a) (1)(A) and (D)), permit for construction, operations and maintenance of non-federal hydro-electric power developments and certificate authorizing natural gas companies to extend, improve or abandon transportation facilities; permit for operations and construction of transportation facilities or terminals for natural gas.

MASSACHUSETTS REGULATIONS
(continued)

- (7) Nuclear Regulatory Commission. Section 201, Energy Reorganization Act (42 U.S.C.A. 5841(f)), license for construction and operations of nuclear power plant.

21.08 Determination of Federal License and Permit Activities Which Reasonably Can Be Expected to Affect the Coastal Zone - When an applicant applies for a federal license or permit and the proposed activity does not involve a state license, permit or funding, then the CZM office shall determine if the activity could affect the coastal zone. If the CZM office determines the activity may affect the coastal zone then it shall proceed to make a consistency determination. If it finds the activity can not be expected to affect the coastal zone, then such activity is not subject to these regulations. If coastal zone activity is subject to MEPA review then it is subject to these regulations. The MEPA categorical exclusions shall also be used automatically by the CZM office in making determinations regarding activities that require a federal license or permit.

21.10 Information Required by the CZM Office to Review Consistency - The following information is required by the CZM Office:

- a Consistency Certification;
- a copy of the federal application and supporting material (non-MEPA jurisdiction);
- a copy of the final decision of the MEPA process (MEPA jurisdiction);
- any additional information requested.

21.11-21.17 - These sections outline the procedures for CZM office review, public notice, public hearings, and conflict resolutions.

22.00 Coastal Facilities Improvement Program - These regulations outline the procedure by which a Massachusetts Coastal City or Town may obtain funds for coastal facilities improvements. The following minimal conditions must be met:

- The proposed project must be public;
- The proposed project site must be determined by the EOE secretary;
- The project must be related to fisheries, shell fishing, marine commerce/industry, marine recreation, marine tourism or public access.

These regulations are not detailed here as they refer specifically to city or town coastal facilities improvement funding.

MASSACHUSETTS REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
4) Department of Environmental Management (302 CMR 2.00-6.00)	M.G.L. c. 21A	7/79	DEM	DEM	DEM

REGULATION REQUIREMENTS

These regulations outline the administrative procedures which must be followed in determining which rivers and streams are included on the Massachusetts Scenic and Recreational River List (302 CMR 3.00). These regulations also specify the rules for adopting coastal wetlands orders (302 CMR 4.00), ocean sanctuaries (302 CMR 5.00), and rules for adopting inland wetland orders (302 CMR 6.00). These regulations are for administrative/procedural purposes and therefore, contain little environmental quality standards or criteria. These procedures, however, will need to be considered if work is to be conducted in any of these four specific areas.

MASSACHUSETTS REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
5) DEQE - Air Pollution, Air Quality (310 CMR 6.00-8.00)	FCAA	3/86	--	--	--

REGULATION REQUIREMENTS

This regulation outlines the standards and requirements for air pollution control in the state of Massachusetts. It is a comprehensive document outlining all provisions, procedures, definitions, etc. Highlighted below are the areas which are most applicable to the New Bedford Harbor Project. Specific, detailed information can be obtained from the regulations.

6.04 Ambient Air Quality Standards for Massachusetts

- Particulate Matter: primary ambient air quality standards annual geometric mean - 75 micrograms per cubic meter; maximum 24-hour concentration - 260 micrograms per cubic meter.
- Particulate Matter: secondary ambient air quality standards, maximum 24-hour concentration - 150 micrograms per cubic meter.
- Carbon Monoxide: primary and secondary ambient air quality standards, maximum 8-hour concentration - 10 milligrams per cubic meter (9 ppm). Maximum 1-hour concentration - 40 milligrams per cubic meter (35 ppm).
- Nitrogen Dioxide: primary and secondary ambient air quality standards, annual arithmetic mean - 100 micrograms per cubic meter (0.05 ppm).
- Lead: primary and secondary ambient air quality standards. Calendar quarter - 1.5 micrograms per cubic meter.

7.02 Plan Approval and Emission Limitations - Incinerators are subject to the Massachusetts Environmental Policy Act (MEPA) and an environmental impact report must be completed before construction.

7.06 Visible Emissions - (2) from incinerators - incinerator smoke emission shall not exceed No. 1 of the chart or 20% capacity, contaminants shall not be emitted if modern technology exists to

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(continued)

control the emission, and particulate emission shall not exceed 100 microns in dimension. (6) from diesel engines - excessive emissions of visible air contaminants from diesel engines is not allowed.

7.08 (4) Hazardous Waste Incinerators - (c) applicants for hazardous waste incinerators must be submitted and approved before use. Each applicant must be signed by owner or operator; be accompanied by site information, plans, descriptions, specifications, etc; specify waste feed; include a detailed description of the hazardous waste incinerator; include the applicant's proposed standard operating procedure, and standard maintenance procedure; include a proposed emission test protocol; and include any other information required by the department.

- (d) Applicant may be approved if it is shown that incinerator emissions would not result in air quality exceeding ambient air quality standards, incinerator emissions would not result in any other non-compliance, if constructed in a non-containment area, emissions will not exceed 100 tons per year of non-attainment contaminant, the proposed incinerator, when added to other area emissions, will not violate the "Standard Implementation Plan."
- (e) Reasonable permit conditions may be compliance with record-keeping requirements, limitations on waste feed, waste feed rates, specific operation conditions, the installation of sampling ports and emission monitoring and recording equipment, quantity and analysis of the scrub water, and any other sampling or testing equipment.
- (h) Hazardous waste emissions shall achieve a 99.99% destruction and removal efficiency; shall not exceed HCL emissions of 4 pounds per hour or 1% of the HCL in the combustion gas prior to air pollution control equipment. Particulate emission shall not exceed 0.08 grains per dry standard cubic foot (oxygen corrected) and emissions of incomplete combustion products shall be limited to compliance levels.
- (k) Continuous records must be maintained for Co, O₂, waste feed, supplementary fuel rates, combustion temperature, and combustion gas velocity.
- (l) The hazardous waste incinerator must be operated as follows:
 - during start-up and shutdown, hazardous waste shall not be fed into incinerator unless incinerator is operating as approved;
 - fugitive emissions from the combustion zone shall be controlled;

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(continued)

- automatic shut-offs with alarms are required when there are changes in waste feed or incinerator operating conditions above approved limits;
- all equipment must be inspected daily during operation;
- all monitoring and inspection data shall be recorded in the operating log.

7.09 Dust, Odor, Construction, and Demolition - Emissions contributing to an air pollution condition are not allowed from construction work, dump operations, and the handling, transportation, and storage of any material.

7.10 Noise - Construction equipment shall be operated and maintained to prevent or suppress industrial and commercial sources of sound.

7.12 Inspection Certificate, Record Keeping and Reporting - Hazardous waste incinerators shall register the nature and amount of facility emissions; this information shall be submitted annually. An inspection certificate will be issued upon department verification. All emission data is available to the public. An inspection fee shall be charged upon facility inspection.

7.13 Stack Testing - If stack testing is required, the operator must provide entrance to stacks, sampling ports, staging and ladders, and a suitable power source.

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Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
6) DEQE - Administration of Waterway Licenses (310 CMR 9.00)	M.G.L. c. 91	12/83	DEQE	DEQE	DEQE Waterway License

REGULATION REQUIREMENTS

These regulations are divided into two parts. Part I contains the procedures for the issuance of licenses and other general provisions. Part II contains the sections that will be applied by the department in evaluating license applications. The pertinent sections of both parts are summarized below.

Part I-9.01 Through 9.11 - This section outlines the procedures, definitions, requirements for obtaining a waterway license. These regulations specifically cover the licensing of dredging and the licensing of the transportation and disposal of and dredged material. Consistent with Massachusetts Environmental Protection Act (MEPA) an "Environmental Impact Report" (EIR) needs to be filed with each license application. Within 90 days, the department shall act on the license. Specific procedures are outlined for public comment, hearing, variances, etc.

Section 9.07 Findings - This section states that no license shall be issued unless it is determined the project:

- does not violate the Wetlands Protection Act or the Oceans Sanctuaries Act;
- uses all practicable means and measures to minimize environmental damage; and
- has public benefit which outweighs the public detriment if the project is located on tidelines.

Part II-9.02 Through 9.28 - This section outlines the specific requirements for each activity. The applicable activities and requirements are outlined here.

9.25 Dredging - The following information applies to proposed dredging projects:

- no dredging shall be conducted without a license;

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(continued)

- dredging shall not unreasonably interfere with navigation;
- dredging activities shall not be licensed unless disposal of the dredged material is also approved;
- dredging design and timing may be conditioned to:
 - minimize interference with recreation and commercial vehicles,
 - minimize impacts to anadromous/catachromous fish runs,
 - require all dredging, and transportation and disposal of dredged material to be conducted under the supervision of the DEQE.
- dredging will not be allowed to contaminate recreation waters, create a public health hazard, contaminate marine food sources, or substantially degrade water quality.

9.26 Disposal - No dredged material shall be disposed without a license. Dredged material is categorized into four categories. The assignment of a dredged material to a specific category will determine what restrictions will apply to the disposal of the material. Category IV material is defined as potentially hazardous. The material will tend to be fine-grained with low solids content and often will have a high level of potentially toxic substance, volatile solids, oil, grease, and metals. Category IV material can be disposed of as follows.

1. Ocean disposal shall be prohibited.
2. The material must be suitably contained on land or in-harbor with associated bulkheading, filtering or capping to contain contaminants in order to prevent leaking or oxidation.
3. In the case of disposal in an ocean sanctuary, the material must be contained in the harbor from which it was dredged and it must be thoroughly covered with Category I material.

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Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
7)	DEQE - Wetlands Protection Act (310 CMR 10.00)	5/86	DEQE/ Conservation Commissioners	DEQE/ Conservation Commissioners	DEQE/ Conservation Commissioners

REGULATION REQUIREMENTS

This regulation outlines the requirements necessary to work within 100 feet of a coastal or inland wetland. It is a comprehensive document outlining all provisions, procedures, definitions, etc. The discussion below highlights the wetlands protection act. For specific, detailed information, one must refer to the regulations.

Part 1: Regulations for all Wetlands

10.01 Introduction and Purpose - Act sets forth a public review and decision-making process by which activities affecting waters of the state are to be regulated in order to contribute to their protection.

10.02 Jurisdiction - All freshwater wetlands, coastal wetland, banks, beaches, dunes, flats, marshes, swamps, land under water bodies, land subject to tidal action, land subject to flooding, coastal flood water are covered under this act. In addition, work within 100 feet (buffer zone) of any of the above stated items are covered under this act.

10.03 General Provisions - Any person who files a notice of intent for wetland work must demonstrate that the area is not significant to the wetland or that the proposed work will contribute to the protection of that wetland.

10.05 Procedures - Any person proposing to work in or around a wetland area must submit to the conservation commission or DEQE a "request for a determination of applicability." The conservation commission shall issue a determination of applicability within 21 days. This determination of applicability is made at a public meeting and signed by a majority of the conservation commission. Any person who proposes to do work that will remove, fill, dredge, or alter a wetland must file a notice of intent. A public hearing will be set by the DEQE or conservation commission within 21 days. Within 21 additional days, the commission will make a decision. If needed, the conservation commission shall issue an order of conditions outlining the steps to be taken to insure the

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protection of the wetlands. The order shall be signed by a majority of the commissioners. A certificate of compliance is issued within 21 days following applicant request.

10.07 Compliance with the Massachusetts Environmental Policy Act -
An applicant may also be required to file an "environmental notification form" (ENF) or an "environmental impact report" (EIR). The department will notify applicant upon determination.

Part II: Additional Regulations for Coastal Wetlands

10.21 Introduction - These regulations apply to all work which alter, dredge, fill, or remove any coastal beach, coastal dune, tidal flat, coastal wetland, land subject to coast storm flowage, coastal bank, land under; ocean, streams, ponds, rivers, lakes, creeks, fish runs within the coastal zone.

10.25 - 10.35 Performance Standards - Specific performance standards have been established for each of the following areas:

- land under the ocean;
- designated port areas;
- coastal beaches;
- coastal dunes;
- barrier beaches;
- coastal banks;
- rocky intertidal shores;
- salt marshes;
- land under salt ponds;
- land containing shell fish;
- banks of or land under ocean, ponds, streams, rivers, lakes, or creeks that underlie anadromous/catadromous (fish run).

The performance standards are intended to identify the level of protection which must be imposed to protect the wetlands.

Part III: Additional Regulations for Inland Wetlands

10.51 - 10.53 Introduction - This part applies to all work which will remove, fill, dredge or alter any bank, bordering vegetated wetland, land under water bodies and land subject to flooding. Purpose is to establish criteria and standards for the protection of inland wetlands and to ensure coordination between governmental agencies.

10.54 - 10.56 Performance Standards - Standards have been established for the following areas:

- bank (naturally occurring banks and beaches);
- bordering vegetated wetlands (wet meadows, marshes, swaps, and bogs);
- lands subject to flooding (bordering any isolated areas).

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These performance standards are intended to identify the level of protection which must be satisfied to protect the wetlands.

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Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
8) DEQE - Hazardous Waste Regulations, Phase I and II	M.G.L. c. 21C	12/86	Mass. DEQE	Mass. DEQE	Mass. DEQE

REGULATION REQUIREMENTS

These regulations provide a comprehensive program for the identification, handling, transportation, record keeping, reporting, storage, treatment, etc. of hazardous waste in the State of Massachusetts. These regulations can be applicable to any hazardous waste work conducted in the State of Massachusetts. As these regulations pertain specifically to hazardous waste, a synopsis is not attempted. An outline of the table of contents is provided, however, to familiarize the reader with the scope of these regulations.

310 CMR 30.00 Hazardous Waste Regulations

Section

- 30.001 - Authority
- 30.002 - Purpose
- 30.003 - Severability
- 30.004 - Effective Date
- 30.005 - Computation of Time
- 30.006 - Accurate and Timely Submittals to the Department
- 30.007 - Accurate and Complete Recordkeeping
- 30.008 - Accurate Monitoring
- 30.009 - Certification
- 30.010 - Definitions
- 30.020 - Imminent Threats
- 30.030 - Presumption of Irreparable Harm
- 30.060 - Notification Procedures
- 30.099 - Transition Provisions
- 30.100 - Identification and Listing of Hazardous Wastes
- 30.110 - Criteria And Procedures For Determining Which Wastes Are To Be Regulated As Hazardous or Non-Hazardous Wastes

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- 30.120 - Characteristics of Hazardous Waste
- 30.130 - Lists of Hazardous Wastes
- 30.200 - Provisions for Recyclable Material and For Waste Oil
- 30.210 - General Provisions for Classifying and Handling Waste Oil and Regulated Recyclable Materials
- 30.220 - Requirements Governing Class A Regulated Recyclable Materials
- 30.230 - Requirements Governing Class B(1) Regulated Recyclable Materials
- 30.240 - Requirements Governing Class B(2) Regulated Recyclable Materials
- 30.250 - Requirements Governing Waste Oil and Used Oil Fuel
- 30.270 - Requirements Governing Class B(4) Regulated Recyclable Materials
- 30.280 - Requirements for Recycling Class B(5) Regulated Recyclable Materials
- 30.290 - Requirements for Recycling Class C Regulated Recyclable Material
- 30.300 - Requirements For Generators Of Hazardous Wastes
- 30.310 - The Manifest
- 30.320 - Pre-Transport Requirements
- 30.330 - Recordkeeping and Reporting
- 30.340 - On-Site Accumulation
- 30.350 - Special Generator Requirements
- 30.360 - Special Conditions
- 30.370 - Special Requirements for Wastes Containing PCBs
- 30.380 - Generator Standards For Recycling
- 30.400 - Requirements For Transporters Of Hazardous Waste
- 30.500 - Management Standards for All Hazardous Waste Facilities
- 30.510 - General Management Standards For All Facilities
- 30.520 - Contingency Plan, Emergency Procedures, Preparedness, Prevention
- 30.530 - Manifest System
- 30.540 - Recordkeeping And Reporting
- 30.560 - General Requirements for Ignitable, Reactive, or Incompatible Wastes
- 30.580 - Closure
- 30.590 - Post-Closure
- 30.600 - Technical Standards For All Hazardous Waste Facilities
- 30.610 - Surface Impoundments
- 30.620 - Landfills
- 30.640 - Waste Piles
- 30.650 - Land Treatment Units
- 30.660 - Groundwater Protection
- 30.680 - Use and Management of Containers
- 30.690 - Storage and Treatment In Tanks

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- 30.700 - Location Standard For Facilities
- 30.800 - Licensing Requirements And Procedures
- 30.810 - Requirements For Obtaining And Keeping A License
- 30.820 - License Conditions
- 30.830 - Processing Of Applications
- 30.850 - License Modification, Suspension, And Revocation
- 30.880 - Compliance with MEPA
- 30.890 - Adjudiciary Hearing Process
- 30.900 - Financial Responsibility Requirements For Treatment,
Storage, And Disposal Facilities

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<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
9) Hazardous Waste Facility Site Safety Council (990 CMR 1.00-16.00)	M.G.L. c. 21D	9/83	DEQE/Notice of Intent; Project Notification Form	Hazardous Waste Facility Site Safety Council	DEQE/Siting Agreement

REGULATION REQUIREMENTS

These regulations outline the detailed process of selecting a hazardous waste site in the Commonwealth of Massachusetts. The steps for site selection are outlined below and specific requirements are then given for the "Notice of Intent" and the "Project Notification Form."

The site selection steps are:

- Notice of Intent - is filed by a potential developer outlining a specific proposed hazardous waste site or potential communities for hazardous waste sites;
- council determination of whether a proposal is feasible and deserving of state assistance;
- public briefing session - the public is briefed on the sites outlined in the notice of intent;
- site suggestion - following the public briefing sessions, interested parties can propose alternative sites;
- local assessment committee - upon site selection, a local assessment committee is formed to protect the host communities' interests;
- technical assistance grants - state funding may be available at this point;
- project impact analysis - must be completed now to ascertain the total environmental and socio-economic impact;
- negotiations between developer and host community;
- compensation to abutting communities;

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- arbitration;
- the siting agreement - drawn up between the developer and host community outlining all construction, operation, maintenance, monitoring, financial, etc. requirements;
- eminent domain (if required).

4.00 Notice Of Intent - A notice of intent is a preliminary document needed to outline the proposed siting of a hazardous waste facility. This notice includes:

- description of the hazardous waste type;
- description of technology and procedures;
- description of developer's prior experience and records;
- developer's financial data;
- description of proposed site(s);
- description of present site suitability;
- preliminary project specifications and architectural drawings;
- copy of the most recent state environmental impact statement;
- additional documents requested;
- notice of right to submit comments;
- list of names and address of all who received copies of notice of intent;
- certification.

10.00 Project Impact Analysis - A "Project Notification Form" must be prepared. A project notification form is comprised of two parts; an environmental notification form (ENF) and a socio-economic notification form (SENF). A socio-economic appendix (SEA) is compiled assessing the probable socio-economic impacts (both positive and negative) of the proposed project and any of the alternatives considered in the environmental impact report. Feasible measures to minimize adverse socio-economic impacts shall also be described. The requirements for the ENF are outlined in 301 CRM 10.00.

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Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
10) DEQE - Water Discharge Permits Surface Water Quality Standards; Groundwater Discharge Permits; Groundwater Quality Standards (314 CMR 1.00-7.00)	M.G.L. c. 21, S. 43; CWA	12/86	MDWPC	MDWPC	MDWPC/ NPDES Permit

REGULATION REQUIREMENTS

2.00 Permit Procedures - This section outlines the general requirements necessary to obtain an NPDES permit in Massachusetts. This section covers the procedures for permit application, preparation of a draft permit, preparation of a fact sheet, public notice, public hearing, permit fees, and the issuance of discharge permits. These permit procedures are similar for surface water or groundwater discharge, or for a RCRA facility.

3.00 Massachusetts Surface Water Discharge Permit Program - This section outlines the program where pollutant discharges to surface waters are regulated by the Commonwealth of Massachusetts. Any point source discharge in Massachusetts needs to have a current NPDES permit, with the following exceptions; any sewage discharge from vessels, discharges of dredged or fill materials, returned flow from irrigated agriculture, and minor stormwater runoff conveyance systems. This section describes the process for application of a permit, effect of a permit, permit restrictions, permit conditions, permit variances, permit renewals, and permit transfers.

4.00 Massachusetts Surface Water Quality Standards - This section specifies the surface water quality standards for all areas within the state. The New Bedford Harbor project is specifically concerned with the Acushnet River and the New Bedford Harbor. The surface water quality standards for this area are as follows:

- Acushnet River-Main Street to Route 6: SB

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- Acushnet River-Inner New Bedford Harbor: SB
- Outer New Bedford Harbor: SA

Minimum Criteria. The following minimum criteria are adopted and shall be applicable to all surface waters.

Parameter	Criteria
1. Aesthetics	All waters shall be free from pollutants in concentrations or combinations that: (a) Settle to form objectionable deposits; (b) Float as debris, scum or other matter to form nuisances; (c) Produce objectionable odor, color, taste or turbidity; or (d) Result in the dominance of nuisance species.
2. Radioactive Substances	Shall not exceed the recommended limits of the United States Environmental Protection Agency's National Drinking Water Regulations.
3. Tainting Substances	Shall not be in concentrations or combinations that produce undesirable flavors in the edible portions of aquatic organisms.
4. Color, Turbidity, Total Suspended Solids	Shall not be in concentrations or combinations that would exceed the recommended limits on the most sensitive receiving water use.
5. Oil and Grease	The water surface shall be free from floating oils, grease and petrochemicals and any concentrations or combinations in the water column or sediments that are aesthetically objectionable or deleterious to the biota are prohibited. For oil and grease of petroleum origin the maximum allowable discharge concentration is 15 mg/l.
6. Nutrients	Shall not exceed the site-specific limits necessary to control accelerated or cultural eutrophication.

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7. Other Constituents Waters shall be free from pollutants in concentrations or combinations that
- (a) Exceed the recommended limits on the most sensitive receiving water use;
 - (b) Injure, are toxic to, or produce adverse physiological or behavioral responses in humans or aquatic life; or
 - (c) Exceed site-specific safe exposure levels determined by bioassay using sensitive species.

Class SA: Waters assigned to this class are designated for the uses of protection and propagation of fish, other aquatic life, and wildlife; for primary and secondary contact recreation; and for shellfish harvesting without depuration in approved areas.

The surface water quality standards for Class SA waters are:

Parameter	Criteria
1. Dissolved Oxygen	Shall be a minimum of 85 percent of saturation at water temperatures above 77°F (25°C) and shall be a minimum of 6.0 mg/l at water temperatures of 77°F (25°C) and below.
2. Temperature Increase	None except where the increase will not exceed the recommended limits on the most sensitive water use.
3. pH	Shall be in the range of 6.5 to 8.5 standard units and not more than 0.2 units outside of the naturally occurring range.
4. Total Coliform	Shall not exceed a median value bacteria of 70 MPN per 100 ml and not more than 10% of the samples shall exceed 230 MPN per 100 ml in any monthly sampling period.

Class SB - Waters assigned to this class are designated for the uses of protection and propagation of fish, other aquatic life, and wildlife; for primary and secondary contact recreation; and for shellfish harvesting with depuration (Restricted Shellfish Areas).

The surface water quality standards for Class SB waters are:

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Parameter	Criteria
1. Dissolved Oxygen	Shall be a minimum of 85 percent of saturation at water temperatures above 77°F (25°C) and shall be a minimum of 6.0 mg/l at water temperatures of 77°F (25°C) and below.
2. Temperature Increase	None except where the increase will not exceed the recommended limits on the most sensitive water use.
3. pH	Shall be in the range of 6.5 to 8.5 and not more than 0.2 units outside of the naturally occurring range.
4. Total Coliform	Shall not exceed a median value bacteria of 700 MPN per 100 ml and not more than 20% of the samples shall exceed 1,000 MPN per 100 ml during any monthly sampling period, except as provided in 314 CMR 4.02(1).

Section 4.03(2) specifies that EPA Water Quality Criteria be used as guidance in establishing case-by-case discharge limits for pollutants not specifically listed in the standards above.

(2) Coordination with Federal Criteria. The Division will use EPA criteria established pursuant to Section 304(a)(1) of the Federal Act as guidance in establishing case-by-case discharge limits for pollutants not specifically listed in these standards but included under the heading "Other Constituents" in 314 CMR 4.03(4), for identifying bioassay application factors and for interpretations of narrative criteria. Where the minimum criteria specifically listed by the Division in 314 CMR 4.03 differ from those contained in the federal criteria, the provisions of the specifically listed criteria in 314 CMR 4.03 shall apply.

In the case of New Bedford Harbor, the water quality criteria which are considered as ARARs for PCBs, cadmium, copper, and chromium are:

	Acute Effects	Chronic Effects
PCBs	10 µg/l	0.03 µg/l
Cadmium	43 µg/l	9.9 µg/l
Copper	2.9 µg/l	2.9 µg/l
Lead	140 µg/l	5.6 µg/l

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Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
11) DEQE - Supplemental c. 21, Requirements § 43 for Hazardous Waste Management Facilities (314 CMR 8.00)	M.G.L.	3/86	DEQE	DEQE	DEQE

REGULATION REQUIREMENTS

8.00 Supplemental Requirements for Hazardous Waste Management Facilities - These regulations outline the additional requirements which must be satisfied in order for a RCRA facility to comply with the NPDES regulations.

8.02 RCRA Facilities Subject to 314 CMR 8:00 - These regulations are applicable to the following facilities:

- a water treatment unit;
- a surface impoundment that treats influent hazardous wastewater; and
- a publicly-owned treatment works (POTW) that generates, accumulates, treats, etc. hazardous waste.

These regulations are not applicable to the following facilities:

- a surface impoundment used solely for accumulation or storage of such wastewater or sludge prior to disposal;
- any facility which receives hazardous waste from off the site of the facility; and
- any facility used to conduct hazardous waste management activities.

Note: Facilities engaged in hazardous waste management are subject to 310 CMR 30.00 and not 314 CMR 8.00.

8.05 Standards for Wastewater Treatment Units Permitted Under 314 CMR 3.00 - The owner and operator of these facilities must comply with 310 CMR 30.605 (2), (3), (4), (5) and (6). The owner and operator of such facilities shall prepare and submit an operations and maintenance manual meeting the requirements of 314 CMR 12.04(1).

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8.07 Standards for All Other RCRA Facilities - All owners and operators of RCRA facilities shall comply with the management standard of 310 CMR 30.500, the technical standards of 310 CMR 30.600, the location standards of 310 CMR 30.700, the financial responsibility requirements of 310 CMR 30.900, and, in the case of POTWs, the standards for generators in 310 CMR 30.300 and the incineration requirements in 310 CMR 7.08(4).

MASSACHUSETTS REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
12) Certification for Dredged Material Disposal and Filling in Waters (314 CMR 9.00)	Mass. CWA	12/83	MDWPC	MDWPC	MDWPC/Water Quality Certification

REGULATION REQUIREMENTS

9.00 Certification for Dredging, Dredged Material, Disposal and Filling in Waters - These regulations are promulgated in order to establish procedures, criteria and standards for the water quality certification of dredging and dredged material disposal. These regulations outline the coordination with Section 401 of the Federal Water Pollution Control Act, Massachusetts Wetlands Protection Act, Mass. Waterways Act, Mass. Coastal Zone Management Program, and the Mass. Environmental Policy Act (MEPA).

9.02 Submission of an Application - Applications for proposed dredging/fill work needs to be submitted and approved before work commences. The application form consists of two parts, a "Standard Application Form," and a "Supplemental Information Form." Projects which are not categorically excluded from MEPA also will need to submit an "Environmental Notification Form" to the MEPA unit.

9.03(2) Classification of Dredge or Fill Material - Three categories have been established for dredge or fill material based on the chemical constituents. The New Bedford Harbor sediment is expected to fall within Category Three. In addition, three types of sediment, Type A, B, C, are established based upon their physical characteristics. From these two tables, a third table outlining normally approved dredging, handling, and disposal options is derived. The following summarizes approved methods for Category Three material:

- dredging methods - hydraulic and mechanical methods;
- disposal methods (to an on-shore site) - hydraulic: pipeline;
- mechanical: barge;
- placement - land or in-harbor disposal with bulkheading; normally approvable, but effluent control will be required; and

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- other conditions - timing and placement to avoid fisheries impacts (spawning and running periods and areas) is required in all cases.

9.04 Water Quality Certification - The division will certify to the appropriate federal or state agency whether or not the proposed project ensures maintenance of Massachusetts Water Quality Standards. The certification will contain:

- applicant's name and address;
- federal license or permit application number;
- an approval statement;
- a list of additional commitments; and
- a statement that Applicant must comply with other statutes or regulations.

MASSACHUSETTS REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
14) DEQE - Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers (314 CMR 12.00)	M.G.L. c.21	12/86	DEQE	DEQE	DEQE

REGULATORY REQUIREMENT

This regulation outlines the operation and maintenance requirements applicable to operators of wastewater treatment facilities. The requirements for operation and maintenance include provisions to ensure proper treatment of wastes, and safe working conditions for personnel.

Key requirements for the operation of a wastewater treatment facility include:

- All wastes shall receive treatment to the standards put forth in 314 CMR 3.00 and 5.00.
- No wastes are to bypass the facility, or any portions thereof, except due to design limitations as approved by the DEQE.

In the maintenance of treatment facilities, operators shall provide adequate personnel to ensure proper operation of the facility, and the required degree of treatment at all times. The regulation includes requirements for adequate back-up equipment, alarm systems, and preventive maintenance necessary for the treatment works to remain in operable condition.

Operating personnel must be sure that wastes received by the facility are controlled so as not to interfere with the proper operation and maintenance of the facility, degrade the effluent, or violate current Massachusetts water quality standards.

MASSACHUSETTS REGULATIONS
(continued)

The regulations outline minimum requirements for a safety program which is to be implemented at the treatment facility. This includes requirements for equipment, hygiene, and training.

Under 314 CMR 12.00 the DEQE may require lab facilities to conduct sampling and analysis of treated wastes:

MASSACHUSETTS REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
15) DEQE - Prevention and Control of Oil Pollution (314 CMR 15.00)	M.G.L. c.21, § 43 CWA	12/86	DEQE	DEQE	DEQE

REGULATION REQUIREMENTS

Installations handling oil must be designed and constructed so as to minimize any risk of accidental discharge of oil to the waters of the Commonwealth. Equipment must be properly maintained and due caution exercised to prevent any spills or discharges. In the event of a discharge, immediate corrective action must be taken to stop the release of oil.

These requirements will be followed in the design of dredging systems in order to prevent or minimize any potential release of PCB oils to the waters of New Bedford Harbor.

MASSACHUSETTS REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
16) DEQE - Disposal of Solid Waste by Sanitary Landfill (310 CMR 19.00)	M.G.L. c. 21H	12/86	DEQE	DEQE	DEQE

REGULATION REQUIREMENTS

These regulations outline the requirements for the design and design plan approval; operation and maintenance; and closure of sanitary landfills within the Commonwealth of Massachusetts. The operation of a landfill must be conducted in accordance with the procedures outlined in this regulation, and are subject to examination and evaluation by representatives of the DEQE.

MASSACHUSETTS REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
17) DEQE - Right to Know 310 CMR 33.00	M.G.L. c. 111 F	12/86	DEQE	DEQE	DEQE

REGULATION REQUIREMENTS

M.G.L. c. 111F provides for hazardous substance disclosure by employers. The responsibilities for administering the law, and responding to alleged violations is assigned to the DPH, DEQE, and DLI. The regulations set forth in 310 CNR 33.00 are the promulgated rules and requirements of the DEQE necessary to carry out their responsibilities under MCL c. 111F, which includes ensuring an orderly dissemination of information on toxic and hazardous substances to employees and the community.

33.03 Municipal Coordinators - The municipal coordinator of a community may at any time direct an employer to file a Material Safety Data Sheet (MSDS). Employers must comply within (4) days of receipt of a written request.

33.04 Filing of MSDS - An employer who uses, processes, or stores any hazardous or toxic substances must file a completed copy of an MSDS containing information as required by 454 CMR 21.06, for each substance, with the DEQE regional office. This section further outlines associated information which must accompany the MSDS, as well as provisions for the preparation of new or revised MSDSs.

33.06 Community Petition Process - Right to Know allows community members to petition for an investigation. Petitioners may submit their request to the municipal coordinator if they have reason to believe that a local employer is using or storing toxic or hazardous substances which may pose a threat to human health and safety. This section provides the guidelines by which the petition process would occur. The responsibilities of the petitioners, municipal coordinator, employer, and Department are set forth in this section.

MASSACHUSETTS REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
18) DLI Right to Know (454 CMR 21:00)	M.G.L. c. 111 F	12/86	DLI	DLI	DLI

REGULATION REQUIREMENTS

M.G.L. c. 111F provides for hazardous substance disclosure by employers. The responsibilities for administering the law, and responding to alleged violations is assigned to the DPH, DEQE, and DLI. The regulations set forth in 454 CMR 21.00 are the promulgated rules and requirements of the DLI necessary to carry out their responsibilities under MCG c. 111F. The DLI regulations established minimum standards and requirements for the protection of employees through availability of MSDSs and proper labeling of hazardous and toxic materials.

21.05 Labels - All toxic and hazardous substances must be properly labeled. Labels must meet the specifications outlined in this section, including: type, size, location on the container, ability to withstand exposure, legibility; as well as, labeling of secondary containers and mixtures.

21.06 Material Safety Data Sheets - Requirements on a) types of MSDSs, b) information to be included on each sheet, and c) requirements for furnishing MSDSs are outlined in this section.

MASSACHUSETTS REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
19) DPH - Right to Know (105 CMR 670.000)	M.G.L. c. 111 F	5/89			

REGULATION REQUIREMENTS

M.G.L. c. 111F provides for hazardous substance disclosure by employers. The responsibilities for administering the law, and responding to alleged violations is assigned to the DPH, DEQE, and DLI. The regulations set forth in 105 CMR 670.000 are the promulgated rules and requirements of the DPH necessary to carry out their responsibilities under MGL c. 111F.

670.010 The Massachusetts Substance List - Appendix A of this regulation is the Massachusetts Substance List which contains toxic or hazardous substances which pose an acute or chronic threat to human health and safety. The commissioner of the DPH is responsible for any amendments to this list.

670.025 Physician's Access to MSDS - This section outlines the means by which a physician, acting as a designated representative, can obtain and use MSDSs when a patient has a medical condition which may be a result of exposure to a toxic or hazardous substance. Employers are required to provide an MSDS under the provisions in this section.

MASSACHUSETTS REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
19) DPH - Prohibition Against Certain Fishing in New Bedford Harbor	M.G.L. c.111, §3, c.17, §57	12/86	---	---	---

REGULATORY REQUIREMENTS

This act prohibits certain fishing activities in New Bedford Harbor. The Harbor area is defined as Areas I, II, and III with the prohibited fishing activities varying in each area.

Area I: The waters north of the Hurricane Dyke in New Bedford Harbor -- no taking of any fish (except bait fish), lobster or shellfish.

Area II: The waters generally south of area I and north of a line extending from Ricketson's Point in South Dartmouth on Sconticut Neck -- no taking of lobster, bottom feeding fish (including eels, scrup, flounder and tautog).

Area III: The water generally south of area II and north of a line extending from Mishaum Point on Smith Neck in the town of Dartmouth north and west to Gong "3" on Husett Rock off New Bedford Harbor and continuous north and west to Rocky Point on West Island in the town of Fairhaven -- no taking of lobsters.

MASSACHUSETTS REGULATIONS

<u>Regulation</u>	<u>Act</u>	<u>Date of Regulations Reviewed</u>	<u>Agency Submittal</u>	<u>Review Authority</u>	<u>Agency Approval</u>
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21) DIS -
Substances
Hazardous to
Health
(441 CMR 1.00-9.00)

REGULATION REQUIREMENTS

These regulations provide guidelines to ensure workplace safety. Any remedial activities will be performed in accordance with requirements in order to protect worker safety.

MASSACHUSETTS REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
22) D.F.W. - Endangered Wildlife and Wild Plants (321 CMR 8.00)	M.G.L. c. 131, S. 4, c. 13A	6/85	--	--	--

REGULATION REQUIREMENTS

8.01 State List of Endangered Wildlife and Wild Plants - The list below outlines the endangered species, threatened species, and species of special concern for the Commonwealth of Massachusetts. These species of wildlife and wild plants are protected by the Commonwealth and/or the Federal Endangered Species Act. Mitigative measures will need to be addressed should any of the species be identified in the work area.

I. ENDANGERED

* Shortnose Sturgeon	<u>Acipenser brevirostrum</u>
Lake Chub	<u>Couesius plumbeus</u>
Northern Redbelly Dace	<u>Phoxinus eos</u>
Bog Turtle	<u>Clemmys mühlenbergii</u>
* Plymouth Red-bellied Turtle	<u>Pseudemys rubriventris bangsi</u>
* Hawksbill	<u>Eretmochelys imbricata</u>
* Atlantic Ridley	<u>Lepidochelys kempi</u>
* Leatherback	<u>Dermochelys coriacea</u>
Copperhead	<u>Agkistrodon Contortrix</u>
Timber Rattlesnake	<u>Crotalus horridus</u>
* Bald Eagle	<u>Haliaeetus leucocephalus</u>
* Peregrine Falcon	<u>Falco peregrinus</u>
Upland Sandpiper	<u>Bartramia longicauda</u>
* Eskimo Curlew	<u>Numenius borealis</u>
Short-eared Owl	<u>Asio flammeus</u>
Sedge Wren	<u>Cistothorus platensis</u>
Loggerhead Shrike	<u>Lanius ludovicianus</u>
Henslow's Sparrow	<u>Ammodramus henslowii</u>
* Indiana Myotis	<u>Myotis sodalis</u>
* Sperm Whale	<u>Physeter macrocephalus</u>
* Fin Whale	<u>Balaenoptera physalus</u>
* Sei Whale	<u>Balaenoptera borealis</u>
* Humpback Whale	<u>Megaptera noveangliae</u>
* Black Right Whale	<u>Balaena glacialis</u>

MASSACHUSETTS REGULATIONS
(continued)

II. THREATENED

American Brook lamprey	<u>lampetra appendix</u>
Threespine Stickleback (trimorphic freshwater population)	<u>Gasterosteus aculeatus</u>
Marbled Salamander	<u>Ambystoma opacum</u>
Eastern Spadefoot	<u>Scaphiopus holbrookii</u>
Blading's Turtle	<u>Emydoidea blandingii</u>
Diamondback Terrapin	<u>Malaclemmys terrapin</u>
** Green Turtle	<u>Chelonia mydas</u>
** Loggerhead	<u>Caretta caretta</u>
Pied-billed Grebe	<u>Podilymbus podiceps</u>
Leach's Storm-petrel	<u>Oceanodroma leucorhoa</u>
Least Bittern	<u>Ixobrychus exilis</u>
Northern Harrier	<u>Circus cyaneus</u>
King Rail	<u>Rallus elegans</u>
Piping Plover	<u>Charadrius melodus</u>
Roseate Tern	<u>Sterna dougallii</u>
Golden-winged Warbler	<u>Vermiyora chrysoptera</u>

III. SPECIES OF SPECIAL CONCERN

Eastern Silvery Minnow	<u>Hybognathus regius</u>
Jefferson Salamander	<u>Ambystoma jeffersonianum</u>
Blue-spotted Salamander	<u>Ambystoma laterale</u>
Silvery Salamander	<u>Ambystoma platineum</u>
Tremblay's Salamander	<u>Ambystoma tremblayi</u>
Four-toed Salamander	<u>Hemidactylium scutatum</u>
Spring Salamander	<u>Gyrinophilus porphyriticus</u>
Spotted Turtle	<u>Clemmys guttata</u>
Wood Turtle	<u>Clemmys insculpta</u>
Eastern Box Turtle	<u>Terrapene carolina</u>
Common Loon	<u>Gavia immer</u>
American Bittern	<u>Botaurus lentiginosus</u>
Osprey	<u>Pandion haliaetus</u>
Sharp-shinned Hawk	<u>Accipiter striatus</u>
Copper's Hawk	<u>Accipiter cooperii</u>
Common Moorhen	<u>Gallinula chloropus</u>
Common Tern	<u>Sterna hirundo</u>
Arctic Tern	<u>Sterna paradisaea</u>
Least Tern	<u>Sterna antillarum</u>
Common Barn-Owl	<u>Tyto alba</u>
Long-eared Owl	<u>Asio otus</u>
Northern Parula	<u>Parula americana</u>
Blackpoll Warbler	<u>Dendroica striata</u>
Mourning Warbler	<u>Oporornis philadelphia</u>
Grasshopper Sparrow	<u>Ammodramus savannarum</u>
Rock Shrew	<u>Sorex dispar</u>
Water Shrew	<u>Sorex palustris</u>
Small-footed Myotis	<u>Myotis leibii</u>

MASSACHUSETTS REGULATIONS
(continued)

Southern Bog Lemming
Gray Seal

Synaptomys cooperi
Halichoerus grypus

- * Indicates species or subspecies that are currently listed as "endangered" by the U.S. Department of the Interior.
- ** Indicates species that are currently listed as "threatened" by the U.S. Department of the Interior.

MASSACHUSETTS REGULATIONS

Regulation	Act	Date of Regulations Reviewed	Agency Submittal	Review Authority	Agency Approval
23) State Register of Historic Places (950 CMR 71.00)	M.G.L. c. 9, §26C and 27C; H.H.P.A.	1985	--	--	--

REGULATION REQUIREMENTS

950 CMR 71.00 - These regulations outline the procedures to be followed when work is to be conducted which could have an adverse effect upon a listing in the state register of historic places. A "Determination of No Effect" is given if it is shown the proposed work will not effect the specific listing. If an effect is documented as adverse, mitigative measures must be taken. Listed below are eight different types of local, state, and federal designations.

NHL: National Historic Landmark (36 CFR 65)

Includes properties of outstanding national significance designated directly by the Department of the Interior.

NR: National Register of Historic Places (36 CFR 60)

Includes properties of local, state, or national significance designated by the Department of the Interior through the State Historic Preservation Officer.

MHC: Massachusetts Historic Landmark (M.G.L., Chap. 9, Sec. 27)

Includes structures of state significance designated by the Massachusetts Historical Commission; all are subject to the preservation restrictions.

MAL: Massachusetts Archaeological Landmark (M.G.L., Chap 9, Sec., 27)

Includes sites of state significance designated by the MHC; all are subject to preservation restrictions.

LL: Local Landmark (Various Local Ordinances)

Includes properties of local, state and/or national significance designated by local governments.

MASSACHUSETTS REGULATIONS
(continued)

LHD: Local Historic District (M.G.L., chap. 40C and Special
Legislative Acts)

Includes properties of local, state and/or national significant designated by local governments.

PR: Preservation Restriction (M.G.L., Chap. 184, Sec. 31-33)

Includes properties of local, state, and/or national significance; restrictions run with the deed in perpetuity or for a specified number of years. Restrictions are held by any governmental body or charitable corporation.

DOE: Determination of Eligibility (36 CFR 63)

Includes properties of local, state, or national significance determined eligible for listing in the National Register of Historic Places by the Secretary of the Interior during the course of a federal undertaking.

Listed below are the current New Bedford and Fairhaven listings in the State Register of Historic places. There are no historic places listed for Acushnet. Included with the listing is the site designation and the data of that designation.

New Bedford - NR (4/23/75)
CARNEY, SGT. WILLIAM H. HOUSE
128 Mill Street

New Bedford - NR (4/24/80)
CENTRAL NEW BEDFORD HISTORIC DISTRICT
Between New Bedford
Historic District and
County Street Historic District

New Bedford - NR (8/11/76)
COUNTY STREET HISTORIC DISTRICT
Roughly bounded by
Acushnet, Page, Middle,
and Bedford Streets

New Bedford - NR (9/30/82)
DAWSON BUILDING
(The Eagles Home)
1851 Purchase Street

New Bedford - NR (01/03/85)
ERNESTINA, SCHOONER
Steamship Wharf

MASSACHUSETTS REGULATIONS
(continued)

New Bedford - DOE (05/21/80)
FAIRHAVEN BRIDGE
Route 6, over the New
Bedford Harbor

New Bedford - NR (07/24/75); DOE (05/20/75)
FIRE STATION #4
79 South Sixth Street

New Bedford - NR (04/21/75); PR (02/14/77)
FIRST BAPTIST CHURCH
149 William Street
PR: 02/14/07

New Bedford - NR (02/08/73); PR (04/18/78)
FORT TABER DISTRICT
Wharf Road (within Fort
Rodman Military Reservation)
PR: 04/18/98

New Bedford - NR (11/11/77)
MERRILL'S WHARF HISTORIC DISTRICT
Waterfront side of
MacArthur Drive

New Bedford - NR (11/13/66); NHL (11/13/66); LHD (6/21/71)
NEW BEDFORD HISTORIC DISTRICT
(WATERFRONT)
Bounded by Front Street,
Elm Street, Acushnet
Avenue and Commercial Street

New Bedford - NR (9/19/79)
NORTH BEDFORD HISTORIC DISTRICT
Bounded by County Street,
Kempton Street, Pleasant
Street, and Pearl Street

New Bedford - NR (09/28/71)
OLD THIRD DISTRICT COURTHOUSE
Second and William Streets

New Bedford - NR (03/26/80)
PALMER ISLAND LIGHT STATION
Palmer Island

New Bedford - LHD (06/21/71); PR (05/21/81)
ROBESON, ANDREW HOUSE
William and North Second
Street
PR: 05/21/91

MASSACHUSETTS REGULATIONS
(continued)

New Bedford - PR (06/30/85)
RODMAN, WILLIAM R. MANSION
385 County Street

New Bedford - PR (06/30/85)
ROTCH-JONES DUFF HOUSE
396 County Street

New Bedford - NR (08/11/76); PR (07/21/81)
ROTCH; WILLIAM HOUSE
19 Irving Street
PR: 07/21/86

New Bedford - PR (06/30/85)
RUSSELL-HOWLAND HOUSE
1060 Pleasant Street

New Bedford - NR (05/17/84)
SMITH, BRADFORD BUILDING
1927-1941 Purchase Street

New Bedford - NHL (11/13/66); NR (11/13/66); PR (12/20/78)
SUNDAIL BUILDING
63-65 Union Street
PR: 12/20/93

New Bedford - NR (07/07/83)
TIME AND OLYMPIA BUILDINGS
908-912 and 880-898 Purchase Street

New Bedford - NHL (12/30/70); NR (12/30/70)
U.S. CUSTOM HOUSE
Southwest corner of Second
and William Streets

New Bedford - NR (10/02/78)
UNION STREET RAILWAY
CARBARN & REPAIR SHOP
1959 Purchase Street
(Weld Square)

Fairhaven - NR (01/22/81); PR (05/07/84)
FAIRHAVEN HIGH SCHOOL
Huttleson Avenue
Northeast Corner,
North Main Street

Fairhaven - NR (01/22/81)
FAIRHAVEN TOWN HALL
Center Street

MASSACHUSETTS REGULATIONS
(continued)

Fairhaven - NR (11/09/72)
FORT PHOENIX
South of U.S. Route 6 in
Fort Phoenix Park

Fairhaven - NR (06/15/79)
SAWIN, EZEKIEL HOUSE
44 Williams Street

GLOSSARY OF ACRONYMS

- ACEC - Areas of Critical Environmental Concern
- APR - Areas for Preservation or Restoration
- ARAR - Applicable or Relevant and Appropriate Requirements
- ARPA - Archaeological Resource Protection Act
- BMP - Best Management Practice
- CAA - Clean Air Act
- CERCLA - Comprehensive Environmental Response Compensation, and Liability Act of 1980, (Superfund)
- CFR - Code of Federal Regulations, containing all government regulations
- CMR - Code of Massachusetts Regulation, containing all Massachusetts regulations
- CSHO - Compliance Safety and Health Officer
- CWA - Clean Water Act, also known as the Federal Water Pollution Control Act (FWPCA)
- CZMA - Coastal Zone Management Act
- CZM - Coastal Zone Management
- DEM - Department of Environmental Management
- DEQE - Massachusetts Department of Environmental Quality Engineering
- DFW - Massachusetts Department of Fish and Wildlife
- DIS - Massachusetts Department of Industrial Safety
- DLI - Department of Labor and Industry
- DOE - Determination of Eligibility, pertaining to historic sites
- DOT - Department of Transportation
- DPH - Department of Public Health

EIR - Environmental Impact Report, a report to be filed under the Massachusetts Environmental Policy Act

EIS - Environmental Impact Statement, a report to be filed under the National Environmental Policy Act

ENF - Environmental Notification Form, a form required by the Massachusetts Environmental Policy Act

EOEA - Massachusetts Executive Office of Environmental Affairs

EPA - Environmental Protection Agency

ESA - Endangered Species Act

FS - Feasibility Study, a major component of Superfund work

FWCA - Fish and Wildlife Coordination Act

HMTA - Hazardous Materials Transportation Act

HOC - Halogenated Organic Compounds

LHD - Local Historic District, pertaining to historic sites

LL - Local Landmark, pertaining to historic sites

MAL - Massachusetts Archaeological Landmark

MCP - Massachusetts Contingency Plan

MEPA - Massachusetts Environmental Policy Act

MDWPC - Massachusetts Division of Water Pollution Control

M.G.L. - Massachusetts General Law

MHC - Massachusetts Historic Landmark

MPRSA - Marine Protection, Research, and Sanctuaries Act

MSDS - Material Safety Data Sheets

NEPA - National Environmental Policy Act

NHL - National Historic Landmark

NPDES - National Pollution Discharge Elimination System

NR - National Register of Historic Places

OCS - Outer Continental Shelf

- OSHA - Occupational Safety and Health Administration
- PCB - Polychlorinated Biphenyl
- POHC - Principal Organic Hazardous Constituents
- POTW - Public Owned Treatment Works
- PR - Preservation Restriction, pertaining to historic sites
- RCRA - Resource Conservation and Recovery Act, the law governing treatment, storage, and disposal of hazardous waste
- RI - Remedial Investigation, -a major component of Superfund work
- SDWA - Safe Drinking Water Act
- SEA - Socio-Economic Appendix, required by the Massachusetts Environmental Policy Act
- SENF - Socio-Economic Notification Form, a form required by the Massachusetts Environmental Policy Act
- SPCC - Spill Prevention Control and Containment
- TSCA - Toxic Substance Control Act
- USACE - United States Army Corps of Engineers
- WPA - Wetlands Protection Act