

Table 4-1
Applicable, Relevant or Appropriate Requirements (ARARs)
Rolling Knolls Landfill Superfund Site - Feasibility Study
Chatham, New Jersey

ARAR Type	Requirement	Status	Summary of Requirement
Action-Specific	New Jersey Air Pollution Control Rules (N.J.A.C 7:27)	Potentially Applicable- to remedial activities generating certain air emissions	Establishes standards for the emissions of contaminants into [the ambient atmosphere] air.
Action-Specific	Clean Air Act (42 U.S.C subsections 7401 et seq)	Potentially Applicable- to remedial activities generating certain air emissions	Establishes standards for the emissions of contaminants into [the ambient atmosphere] air.
Action-Specific	Occupation Safety and Health Standards and Safety and Health Regulations for Construction (29 CFR 1910 and 1926)	Relevant and Appropriate – to remedy construction	Establishes occupational safety and health standards.
Action-Specific	Guide to Management of Investigation-Derived Wastes (OSWER Publication 9345.3-03FS)	To Be Considered	Present regulatory background and options for managing investigation-derived waste at Superfund sites.
Action-Specific	New Jersey Field Sampling Procedures Manual, Appendix 6.1, New Jersey Well Standards	To Be Considered	Establishes standards for the construction, maintenance, and sampling of monitoring wells.
Action-Specific	New Jersey Noise Control Rules (N.J.A.C 7:29).	Relevant and Appropriate	Prohibits the generation of certain types of noise at specific times and establishes methods to determine compliance.
Action-Specific	New Jersey Brownfield and Contaminated Site Remediation Act (N.J.S.A. 58:1B-1 et seq.)	Applicable	Enabling legislation for development of remediation standards necessary to protect public health and safety and the environment from discharged hazardous substances and for mandating cleanup of contaminated sites.
Action-Specific	New Jersey Technical Requirements for Site Remediation (N.J.A.C 7:26E)	Applicable	Establishes the technical requirements for the remediation of contaminated sites.
Action-Specific	Administrative Requirements for the Remediation of Contaminated Sites (N.J.A.C 7:26C)	Applicable	Requirements related to New Jersey's site remediation process.
Action-Specific	Green Remediation: Incorporating Sustainable Environmental Practices in Remediation of Contaminated Sites (OSWER Publication EPA 542-R-08-002)	To Be Considered	Outlines the principals of green remediation and describes opportunities to reduce the footprint of cleanup activities throughout the life of a project. Identifies new strategies and alternatives to improve sustainability of cleanup activities, and helps decision-makers balance the alternatives within existing regulatory frameworks.
Action-Specific	RCRA Subtitle D Landfills (40 CFR Parts 239-259)	Applicable	These regulations apply to non-hazardous waste landfills, including municipal solid waste landfills
Action-Specific	Additional, Specific Disposal Regulation for Sanitary Landfills (N.J.A.C. 7:26-2A)	Applicable	State regulations that include the requirements for closure and post-closure of sanitary landfills.

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Action-Specific	New Jersey Solid Waste Rules (N.J.A.C 7:26)	Applicable	Governs the registration, operation, maintenance, and closure of sanitary landfills, other solid waste facilities, and solid waste transportation operations in the State of New Jersey.
Action-Specific	Presumptive Remedy for CERCLA Municipal Landfills (OSWER Directive No. 9355.0-49F)	To Be Considered	This guidance outlines a streamlined approach to the scoping (planning) stages of the RI/FS in the process of closing municipal landfills under CERCLA, with containment as the presumptive remedy. This directive also provides guidance regarding the appropriate level of detail appropriate for risk assessment of source areas and characterization of hot spots.
Action-Specific	New Jersey Storm Water Management Rules (N.J.A.C 7:8)	Applicable	Establishes stormwater management requirements to prevent contamination of waterways via stormwater discharge.
Action-Specific	New Jersey Water Pollution Control Act Regulations (N.J.A.C 7:14)	Relevant and Appropriate	Prohibits the discharge of any pollutant into the waters of the State without a valid permit.
Action-Specific	New Jersey Pollutant Discharge Elimination System Rules (N.J.A.C 7:14A)	Applicable	Establishes the framework under which NJDEP regulates the discharge of pollutants to the surface and groundwater's of the State.
Action-Specific	New Jersey Department of Transportation (NJDOT) Standard Specifications – Soil Erosion and Sediment Control Measures (1996) (N.J.A.C. 16:25A-2.1 et seq.)	To Be Considered	NJDOT standards are typically used to develop the appropriate plans for sediment and soil erosion control required under New Jersey Soil Conservation Act.
Action-Specific	RCRA Generation, Transportation and Disposal of Hazardous waste (40 CFR 260-270)	Potentially Applicable – to the management of waste streams for off-site disposal	Establishes responsibilities and standards for the management of hazardous and non-hazardous waste.
Action-Specific	49 C.F.R. Hazardous Materials Transportation	Potentially Applicable – to waste streams transported offsite for disposal	Regulates transportation of hazardous materials in the United States under the Department of Transportation (49 CFR).
Action-Specific	New Jersey Hazardous Waste Rules (N.J.A.C 7:26G)	Potentially Applicable – to waste streams transported offsite for disposal	Identifies the standards for the acceptable management of hazardous waste in New Jersey.
Action-Specific	Plant Protection Act (7 U.S.C. Section 2814)	Potentially Applicable - if remedy requires introducing vegetation to any portion of the site	Requires the use of integrated management systems to control or contain undesirable plant species. Applicable to on-site remedial activities to control, eradicate, or prevent or retard the spread of such weeds.
Action-Specific	Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712; 50 CFR 10.13)	Applicable	This Act makes it unlawful to “take, capture, kill,” or otherwise impact a migratory bird or any nest or egg of a migratory bird.

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Action-Specific	NJDEP "Ecological Evaluation Technical Guidance." Version 1.3, February 2015.	To Be Considered	Provides guidance on conducting ecological evaluations and implementing Risk Management Decisions for ecologically sensitive natural resources.
Chemical-Specific	Remediation Standards (N.J.A.C 7:26D; 7:9B; 7:9C) (See Note 1)	Applicable	Establishes the minimum standards for the remediation of soil, groundwater, and surface water.
Chemical-Specific	Federal Safe Drinking Water Act (SDWA) Maximum Contaminant Levels (40 CFR 141.11-.16, and .60-.63)	To Be Considered	Defines the quality criteria for public drinking water supplies.
Chemical-Specific	New Jersey Safe Drinking Water Act (SDWA) Maximum Contaminant Levels (N.J.S.A. 58:12A-1 et seq.)	To Be Considered	Defines the quality criteria for public drinking water supplies.
Chemical-Specific	NJDEP Site Remediation Program, Technical Guidance for the Attainment of Remediation Standards and Site- Specific Criteria September 24, 2012, Version 1.0.	To Be Considered	Guidance on alternate methods to achieve compliance with applicable remediation standards.
Chemical-Specific	EPA Human Health Assessment Cancer Slope Factors (CSFs)	To Be Considered	CSFs are developed by EPA for health effects assessments or evaluation by the Human Health Assessment Group. These values present the most up-to-date cancer risk potency information and are used to compute the individual incremental cancer risk resulting from exposure to carcinogens.
Chemical-Specific	NJDEP "NJDEP Ecological Screening Criteria." March 2009.	To Be Considered	Provides Ecological Screening Criteria to be used as screening values in ecological assessments.
Chemical-Specific	RCRA Groundwater Protection Standards and Maximum Concentration Limits (40 CFR 264, Subpart F)	Applicable	Regulates release from the solid management unit (i.e. the landfill) and specifies the groundwater protection standards.
Chemical-Specific	NJDEP Groundwater Quality Standards (N.J.A.C. 7:9C)	Applicable	Establishes the minimum standards for the remediation of groundwater.
Location-Specific	New Jersey Flood Hazard Area Control (N.J.A.C 7:13)	Applicable	Sets forth the requirements governing activities in the flood hazard area or riparian zone of a regulated water.
Location-Specific	EPA's 1985 "Policy on Floodplains and Wetlands Assessments for CERCLA Actions".	To Be Considered	Requires that CERCLA actions meet the substantive requirements of Floodplain Management Executive Order (EO 11988) and Protection of Wetlands Executive Order (EO 1990).
Location-Specific	Executive Order 11988 Floodplain Management	To Be Considered	Requires federal agencies to avoid to the extent possible long- and short-term adverse impacts associated with the occupancy and modification of flood plains, and avoid support of floodplain development wherever there is a practicable alternative.

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Location-Specific	Establishment of a Classification Exception Area/Well Restriction Area (N.J.A.C. 7:9-6.6)	Applicable	Promulgated state regulations that include requirements for establishing a classification exception area/well restriction area where groundwater quality does not meet New Jersey groundwater quality criteria
Location-Specific	Ground Water Quality and Surface Water Standards (N.J.A.C 7:9).	Applicable	Regulates activities respecting protection and enhancement of ground water and surface water resources.
Location-Specific	Federal Water Pollution Control Act (FWPCA) (33 USC 1521 et seq.)	Applicable	Requires a permit from USACE and consideration by both the EPA and the USFWS before an application to dredge and fill may be enacted.
Location-Specific	New Jersey Freshwater Wetlands Protection Act Rules (N.J.A.C 7:7A)	Applicable	Requires permit for regulated activity disturbing freshwater wetlands.
Location-Specific	Section 404 - Clean Water Act, as it pertains to wetlands	To Be Considered	Prohibits discharge of dredged or fill material into wetlands adjacent to navigable waters without a permit.
Location-Specific	Executive Order 11990 Protection of Wetlands	To Be Considered	Requires federal agencies to provide leadership and take action to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands.
Location-Specific	Endangered Species Act (16 USC 1531 et seq.)	Applicable	Requires that action be performed to conserve endangered species or threatened species.
Location-Specific	New Jersey Endangered Plant Species Program (N.J.A.C 7:5C)	Relevant and Appropriate	Identifies the official list of endangered plant species and establishes the program for maintaining and updating the list.
Location-Specific	New Jersey Division of Fish, Game, and Wildlife Rules (N.J.A.C 7:25)	Relevant and Appropriate	Supplements the statutes governing fish and game laws in the State of New Jersey.
Location-Specific	National Wildlife Refuge System Administration Act of 1968, as amended by the National Wildlife Refuge System Improvement Act of 1997	Applicable	This act and amendments governs the use and management of National Wildlife Refuges.
Location-Specific	Final Comprehensive Conservation Plan, Great Swamp National Wildlife Refuge, November 2014	To Be Considered	This plan present the management goals, objectives, and strategies that guide the management of the Great Swamp National Wildlife Refuge over the next 15 years.
Location-Specific	Wilderness Act of 1964 (16 USC 1131-1136)	Applicable	This act directs each agency administering designated wilderness to preserve the "wilderness character" of areas within the National Wilderness Preservation System (NWPS) and to manage the land for the "use and enjoyment of the American people in a way that will leave those areas unimpaired to future use and enjoyment as Wilderness.

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Location-Specific	Great Swamp Wilderness Act of 1968 (Public Law 90-532, September 28, 1968)	Applicable	Designates the eastern portion of the refuge, comprised of 3,660 acres, as the Wilderness Area.
Location-Specific	Refuge Recreation Act of 1962 (16 USC 460K-460K-4)	Applicable	Assures present or future recreational uses by the public on areas within national wildlife refuges.
Location-Specific	Floodplain Management and Wetlands Protection (40 CFR 6.302(a) and (b); 40 CFR 6, Appendix A)	Applicable	Requires agencies to perform certain measures to avoid the long and short term impacts associated with the destruction or modification of wetlands and floodplains.
Location-Specific	Federal Noxious Weed Act of 1974 (PL 93-629; 7 USC 2801, et seq)	Applicable	Requires the use of integrated management systems to control or contain undesirable plant species.
Location-Specific	Executive Order 13112. Management of Invasive Species	To Be Considered	Requires that federal agencies take certain actions to prevent introduction of invasive species and provide for their control.
Location-Specific	Fish and Wildlife Coordination Act (16 USC 661 - 667e)	Applicable	Requires actions to protect fish or wildlife when diverting, channeling, or modifying a stream.
Location-Specific	Fish and Wildlife Coordination Act Advisories.	To Be Considered	Advisories on the effects of pollutants and other activities on wildlife, including migratory birds and fish, and wildlife habitat authorized under the Fish and Wildlife Coordination Act.

Notes:

1. As described in a letter from Walter Mugdan of USEPA to Irene Kropp of NJDEP, dated 12 May 2010, New Jersey's Soil Remediation Standards (SRS, including both the residential and non-residential scenarios) for direct contact (i.e., ingestion/dermal exposure) are potential ARARs, but will not be considered as ARARs if those standards are not generally applicable, but rather, can change on a site-by-site basis (USEPA, 2010).