

5.1.5 Applicable or Relevant and Appropriate Requirements

In accordance with the IAG, remedial actions at the RFETS must satisfy applicable or relevant and appropriate Federal and State requirements (ARARs). However, as stated in the proposed language to modify the IAG, ARAs "may not be intended to, nor be able to, fully address the threat posed by a release or achieve final required performance standards and objectives at a contaminated site, and that further response action may be required.

The hot spot removal action for Operable Unit 1 will meet all federal and state ARARs. CERCLA ARARs are divided into three types: chemical-specific, location-specific, and action-specific ARARs. Chemical-specific ARARs are those that set health-based or risk-based concentration limits for soil, groundwater or surface water for specific pollutants. There are no chemical-specific ARARs for the organic and radionuclide contaminants in soils. However, there are residual soil standards for radionuclides as a class (DOE Order 5400.5). Location-specific ARARs are regulations that set restrictions on activities or contaminant levels based on unique characteristics of the site. Examples of these are standards under the Wilderness Protection Act, the National Register of Historical Places, and the National Flood Insurance Program. There also are no promulgated federal or state location-specific ARARs for the removal action. The appropriate action-specific ARARs are listed specifically in Table 5-1.

Federal action-specific ARARs for this response action include: RCRA standards for generators of hazardous waste and for container storage (42 U.S.C. Section 6901 et seq., and 40 CFR Parts 262 and 264/265); OSHA standards for worker protection during hazardous waste site remediations (29 U.S.C. Section 651 et seq., and 29 CFR Part 1910); Atomic Energy Act (AEA) standards for protecting workers in the handling of radioactive material and standards for storage of radioactive material (42 U.S.C. Section 2201 and 10 CFR Parts 820 and 830, and all applicable DOE Orders pursuant to the AEA).

State action-specific ARARs for the removal include:

- 1) CHWA standards for hazardous waste generators and container storage (CRS Section 25-15-101 to 25-15-313 and 6 CCR Section 1007). The CHWA regulations directly applicable to this ARA are identical to the federal RCRA standards (Table 5-1) and, therefore, are not repeated separately; however, there are several indirectly applicable CHWA standards that are more stringent. These standards are for hazardous waste generators as well as for treatment, storage, and disposal (TSD) facilities. Because the RFETS is both a hazardous waste generator and TSD facility permitted with the State of Colorado, DOE is aware of, and compliant with, these more stringent CHWA regulations.

- 2) Colorado Air Pollution Prevention and Control Act standards for air emissions (CRS Section 25-7-101 to 25-7-609 and 5 CCR Section 1001.