



# **ARARS: An Explanation**

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# ARARs

- All Superfund cleanups must protect human health and the environment AND comply with ARARs.
- ARARs are substantive environmental protection requirements and cleanup standards, under Federal or State law, that are either “applicable” or “relevant and appropriate.”



# Applicable and Relevant and Appropriate

- “Applicable” requirements specifically address a problem or contaminant at a Superfund site.
- “Relevant and appropriate” are substantive environmental requirements that are “well suited” to the cleanup of a Superfund site, even though they are not “applicable.”



## *ARARs, cont.*

- Three Types of ARARs: Chemical, Location, Action Specific.
- TBCs or To Be Considered: EPA will consider complying with requirements that are not ARARs.



## *ARARs, cont.*

- ARARs are not administrative requirements, such as applying for and receiving a permit.
- ARARs are Federal requirements and generally applicable State requirements, but not local requirements.



# *ARAR Waivers*

There are six ARAR waivers that EPA can invoke:

1. Interim Measures: The cleanup is part of a larger cleanup that will achieve the ARAR when completed.
2. Greater Risk: Compliance with the ARAR will result in greater risk than the selected cleanup alternative.
3. Impracticability: Compliance with the ARAR is technically impracticable from an engineering perspective.



## *ARAR Waivers, cont.*

4. Equivalency: The cleanup alternative selected is equivalent to the ARAR.
5. Inconsistent Application: The State has not consistently applied the ARAR.
6. Fund-Balancing: For fund-financed cleanups, complying with the ARAR will not provide a balance between the need for a protective remedy and the availability of superfund fund money to respond to other sites.



## *ARARs, cont.*

- EPA determines what requirements are ARARs.
- EPA has preliminarily listed the ARARs for OU6 in the Feasibility Study in Appendix C. The public can formally comment on ARARs when EPA issues a proposed cleanup plan.



# *Significant OU6 ARARs*

- CT Cleanup Standards (RSRs). These provide soil cleanup standards for direct contact and pollutant mobility or leaching.
- CAMU Regulations. These relate to the consolidation of certain Raymark Waste.
- Action Specific ARARs related to noise and dust.
- Flood Storage ARARs. Avoidance of impacts and provision of compensatory flood storage is required, if avoidance is not possible.
- Wetlands ARARs. Avoidance of impacts and provision of wetlands mitigation is required, if avoidance is not possible.