| **Standard** | **Requirement** | **Prerequisite** | **Citation** | **Potential ARAR** | **Comments** |
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| Federal Environmental Laws (except RCRA) | | | | | |
| CERCLA | Addresses investigation and remediation of a release of a hazardous substance. | Release of a hazardous substance. | 42 USC 9601 et seq. | Applicable |  |
| NCP | Provides organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants. | Release of a hazardous substance. | 40 CFR 300 | Applicable |  |
| Safe Drinking Water Act | Protects the quality of public drinking water supplies from source to tap. |  | 42 USC 300f et seq. | Deferred | The FFS relates to evaluation of interim waste management alternative. Other pathways/media to be evaluated in later phase of projects. |
| Clean Water Act | Establishes structure for regulating discharges of pollutants and regulating surface water quality. | Activities that affect or may affect surface water. | 33 USC 1251 et seq. | Applicable |  |
| Clean Water Act | Surface water quality requirements for discharges of pollutants to federally-regulated waters. | Discharge of pollutants to federally-regulated waters. | 33 USC 1342  40 CFR 129 | Applicable |  |
| Clean Air Act | Regulates air emissions from stationary and mobile sources. | Stationary or mobile source air emissions. | 42 USC 7401 et seq. | Applicable | Mobile sources will be excavation and trucking equipment, plus landfill gas management. |
| Clean Water Act – Section 404 | Regulates dredge or placement of fill in wetlands under the jurisdiction of the USACE | Assessment of work in wetlands |  | Applicable | As part of the Section 404 Permit, compliance with Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act will also be required. |
| Section 10 (Rivers and Harbors Act of 1899) | Applies to activities that will obstruct or alter any navigable water of the United States. | Construction activities that will potentially obstruct or alter navigable waters. | 33 USC 403 | Not an ARAR | No activities are contemplated that would obstruct or alter any navigable waters of the United States. |
| Permits and Certifications | | | | | |
| NPDES Permits | Requirements for treatment and monitoring of discharges to waters of the state | Discharge of a pollutant to waters of the state | 40 CFR 122 | Applicable |  |
| Resource Conservation and Recovery Act (RCRA) 42 USC 6901 et seq. | | | | | |
| Hazardous Waste Management | Standards for hazardous waste management | Generation of hazardous waste | 40 CFR 260-268 | TBC as presence of hazardous waste is not known. | The waste is not characterized as hazardous waste. |
| Disposal of Solid Waste that is not a Hazardous Waste | Generator of RCRA Subtitle D regulated waste. | Placement of RCRA Subtitle D waste in a landfill. | 40 CFR 257 | Applicable |  |
| Standards of Performance for Municipal Solid Waste Landfills |  |  | 40 CFR Subpart WWW 60.750 through 759 | Applicable |  |
| Standards of Performance for New Stationary Sources | Requirements for flares | Operation of flares as part of the landfill gas management system | 40 CFR 60.18 (e) | Applicable | Requirements for flares. |
| U.S. Department of Transportation | |  |  |  | |
| Transportation and Packaging of Hazardous Waste | Requirements for transportation and packaging of hazardous waste | Offering of hazardous materials for transportation. | 49 CFR 171-179 | TBC as presence of hazardous waste is not known. | The waste is not characterized as hazardous waste. |
| Occupational Safety and Health Administration (OSHA) | |  |  |  | |
| Work on Contaminated Sites | Requirements for workers on uncontrolled hazardous waste sites such as training, personal protective equipment, recording and reporting work-related fatalities/injuries/illnesses. | Work on uncontrolled hazardous waste sites, RCRA CA sites, and emergency response sites. | 29 CFR 1904 - Recording and Reporting Occupational Injuries and Illnesses 29 CFR 1910 - Occupational Safety and Health 29 CFR 1926 – Safety and Health Regulations for Construction | Applicable | Not relevant for operating landfill workers but applicable due to legacy issues. |
| Management of Certain Toxic Substances | |  |  |  | |
| Remediation of release of polychlorinated biphenols | Requirements governing the remediation, release, and disposal of PCBs must be met. | Remediation, release, and disposal of PCBs. | 40 CFR 761 | Applicable | PCB exceedances reported in Phase A investigation report for solid media at the Dump, Landfill, and Transfer Station |
| Dibenzo-para-Dioxins/Dibenzofurans | Requirements governing the testing and reporting of chemical substances containing dibenzo-para-dioxins / dibenzofurans | Manufacturing (and/or importing), or processing, a chemical substance identified under §766.25 | 40 CFR 766 | Applicable | 2,3,7,8 TCDD detected in solid media and water (Phase A report Appendix D tables) |
| Air Quality |  |  |  |  |  |
| Standards of Performance | Standards of Performance for Landfill Gas collection and control | Municipal Solid Waste Landfill meeting specific criteria | 40 CFR 60, subparts A and WWW/XXX | TBC |  |

| **Standard** | **Requirement** | **Prerequisite** | **Citation** | **Potential ARAR** | **Comments** |
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| Water Pollution Control Act | Administration and enforcement of laws relating to the pollution of any waters of the state. | Release of pollutants to Minnesota waters. | Minnesota Statute 115 | Applicable |  |
| Pollution Control Agency | Provides organizational structure and procedures for responding to problems relating to water, air, and land pollution. | Release of hazardous substance in Minnesota. | Minnesota Statute 116 | TBD |  |
| Water Law | Provides regulations pertaining to any waters of the state, including surface water, wetlands and groundwater. | Release of pollutants to Minnesota waters or activities that affect bed, banks or cross section of Minnesota waters. | Minnesota Statute 103A, 103B, 103C, 103D, 103E; 103F, 103G, 103H | Applicable |  |
| Permits and Certifications | |  |  |  | |
| Permits and certification for regulated activities | General requirements for obtaining MPCA permit for regulated activities. | Work involving a regulated activity. | Minnesota Rules Ch. 7001.0010 through 7001.0210 | Applicable |  |
| Hazardous waste facility permit | Requirements for hazardous waste facility permit. | Construction of a hazardous waste management facility in Minnesota. | Minnesota Rules Ch. 7001.0500 through 7001.0730 | Applicable | Substantive permit requirements would need to be met for regulated activities. |
| NPDES Permits | Requirements for treatment and monitoring of discharges to waters of the state. | Discharge of a pollutant to waters of the state. | Minnesota Rules Ch. 7001.1000 through 7001.1150  Construction Stormwater - Minnesota Rules Chapter 7090  Industrial Stormwater - Federal Clean Water Act (CWA), as amended, (33 U.S.C. 1251 et. seq.; hereafter the Act), 40 CFR pt.122, 123, and 124, as amended, et. seq.; Minn. Stat. chs. 115 and 116, as amended, and Minn. R. chs. 7001 and 7090 | Applicable | NPDES/SDS Construction Stormwater General Permit MNR100001  Substantive permit requirements would need to be met for regulated activities. Surface runoff would be managed with a Storm Water Pollution Prevention Plan (SWPPP).  NPDES/SDS General Permit MNR050000 for Industrial Stormwater |
| MCES Industrial Discharge Permit – Special Discharges | Comply with limits for discharge of leachate to MCES | Collection of landfill leachate | Minnesota Statutes Chapter 473 as amended. Waste Discharge Rules for the Metropolitan Disposal System, and the MCES Leachate and Contaminated Groundwater Program | Applicable |  |
| Certifications | Requirements for certification for regulated activities. | Requirement to obtain certification by section 401 of the Clean Water Act. | Minnesota Rules Ch. 7001.1400 through 7001.1470 | Applicable |  |
| Solid Waste Management Facility | Requirements for permitting a solid waste management facility. | Construction of a solid waste management facility in Minnesota | Minnesota Rules Ch. 7001.3000 through 7001.3550 | Applicable | Substantive requirements will be met where possible although the Site setting cannot fully meet all aspects of this ARAR |
| Waste Discharge Rules | Waste Discharge Rules for the Metropolitan Disposal System | Leachate discharge | Waste Discharge Rules Articles I-V | Applicable | Leachate discharge to wastewater treatment plant. Article II includes Industrial Discharge Permits, Article IV includes pretreatment requirements |
| Storm Water Regulatory Program | Permit program requirements for storm water discharge | Storm water discharge | Minnesota Rules Ch. 7090 | Applicable |  |
| Hazardous Waste Regulations | |  |  |  | |
| Hazardous Waste | Requirements for generation, management, and transportation of hazardous waste | Generation of hazardous waste | Minnesota Rules Ch. 7045.0102 through 7045.1400 | TBC as presence of hazardous waste is unknown | The waste is not characterized as hazardous waste. |
| Hazardous Waste Regulation | Requirements for the regulation of hazardous waste | Management of hazardous waste | Dakota County Ordinance No. 111 | TBC as presence of hazardous waste is unknown | The waste is not characterized as hazardous waste. |
| Solid Waste | |  |  |  | |
| General requirements for management of solid waste. | Requirements and standards for solid waste | Generation of a solid waste | Minnesota Rules Ch. 7035.0300 through 7035.0605 | Applicable |  |
| Individual Properties | Responsibility for management of solid waste | Generation of solid waste | Minnesota Rules Ch. 7035.0700 through 7035.0805 | Applicable |  |
| Industrial Solid Waste Land Disposal Facilities | Requirements for industrial solid waste land disposal facilities | Generation and management of an industrial solid waste | Minnesota Rules Ch. 7035.1590 through 7035.2500 | Not Applicable |  |
| Solid Waste Management Facility General Technical Requirements | General requirements for facilities that manage municipal solid waste | Operation of a solid waste management facility | Minnesota Rules Ch. 7035.2525 through 7035.2655 | Applicable | Substantive requirements will be met where possible although the Site setting cannot fully meet all aspects of this ARAR  Closure and postclosure care procedures 7035.2625 through 7035.2655 |
| Solid Waste Management Facilities Financial Requirements | Requirements for cost estimates and financial assurances documentation | Construction of a industrial solid waste land disposal facility | Minnesota Rules Ch. 7035.2665 through 7035.2805 | Not Applicable |  |
| Solid Waste Management Facility Specific Technical Requirements | Requirements for facilities that dispose of mixed municipal solid waste in or on the land. | Management of a mixed municipal waste landfill | Minnesota Rules Ch. 7035.2815 through 7035.2915 | Applicable | 7035.2815 Mixed MSW, 7035.2825 Demo Debris, 7035.2870 Transfer Facilities  7035.2885 MSW combustor ash,  7035.2815 Subp 4 (H) (2) includes alternative intervention limits |
| Abandonment of motor vehicles and scrap metal | Requirement for disposal and reuse of abandoned motor vehicles and other scrap metal | Disposal and reuse of abandoned motor vehicles and other scrap metal | Minnesota Rules Ch. 7035.3000 through 7035.3600 | Not Applicable |  |
| Solid Waste Programs and Projects | Requirements for application procedure for grants-in-aid, state requirements, approval of applications, and payments for programs or projects which will encourage both the reduction of the amount of material entering the solid waste stream and the reuse and recycling of solid waste. | Plan for facility meeting requirements | Minnesota Rules Ch. 7035.4000 through 7035.6000 | Not Applicable |  |
| Infectious Waste | Requirements for owners and operators of facilities, commercial transporters and all infectious waste. | Generation and management of infectious waste | Minnesota Rules Ch. 7035.9100 through 7035.9150 | Not Applicable | Infectious waste not anticipated |
| Disposal of Dioxin Contaminated Soil in Subtitle D Landfills | Provides conditions for disposal of dioxin contaminated soil in a Minnesota Subtitle D landfill.  Dioxin-contaminated soil may be placed in a Minnesota “Subtitle D” facility if TEQDF ≤ 10 µg/kg. | Disposal of dioxin-contaminated soil in a MPCA-permitted Subtitle D landfill. | MPCA Office Memorandum to Remediation Division from Stephen Thompson and Elizabeth Gawrys. August 29, 2006 | Not Applicable | Dioxin contaminated soils not identified over limit |
| Remediation of Residential and Commercial/Industrial Property under MPCA VIC Program | MPCA VIC guidance | Contaminated site – enrollment in MPCA VIC program | <http://www.pca.state.mn.us/cleanup/vic-guidedoc.htm>. | Not Applicable |  |
| Dakota County Solid Waste Management Ordinance No. 110 | Comprehensive requirements for solid waste management | Dakota County, solid waste management | Dakota County Ordinance No. 110 | Applicable/TBC | Solid Waste Management//Dakota County Ord. 110//  The MPCA and the County will identify the substantive requirements or variances. |
| Solid Waste Management General Provisions | General requirements for solid waste management | Establish, operate or maintain an intermediate or final disposal solid waste facility | Dakota County Ordinance No. 110 Solid Waste Management Sections 3.00 through 3.21 | Applicable | The MPCA and the County will identify the substantive requirements that are applicable |
| Off-site Reuse of Minimally Contaminated Soil from Development Projects and Road Construction Projects | Requirements for minimally contaminated soils reuse |  | Dakota County Ordinance No. 110 Solid Waste Management Section 3.11 | TBC | On-site soil reuse is planned. Soil import may be needed on project and the MPCA and the County will identify the substantive requirements that are applicable |
| Solid Waste Surcharge | Requirements for solid waste surcharges | Acceptance of solid waste | Dakota County Ordinance No. 110 Solid Waste Management Sections 4.00 through 4.04 | TBC | MPCA and Dakota County are discussing a range of possibilities for alternatives involving offsite management of wastes |
| Industrial Waste Management and Land Application of Waste | Requirements for industrial waste management | Acceptance of industrial waste | Dakota County Ordinance No. 110 Solid Waste Management Section 5.00 through 5.05 | Applicable | Requirements for acceptance of industrial waste material. Waste accepted at freeway includes ash and non-exempt construction waste. Need written permission to dispose of ash. |
| Use of Industrial Waste of Contaminated Soil as Cover Material | Requirements for use of industrial waste or contaminated soil as cover material | Use of Industrial Waste or Contaminated Soil as Cover Material | Dakota County Ordinance No. 110 Solid Waste Management Section 5.04 | Not Applicable | Requirements for use of contaminated soils as cover, includes requirements for stockpiling |
| Solid Waste Landfill Facilities | Requirements for solid waste landfill facilities | Establish, operate or maintain a landfill facility | Dakota County Ordinance No. 110 Solid Waste Management Section 6.00 through 6.08 | Applicable | General requirements for solid waste landfill facilities, includes additional requirements for sanitary, special, and demolition waste |
| Special Waste Storage Facilitates and Waste Tire Management | Requirements for special waste storage facilities and waste tire management | Establish, operate or maintain a special waste storage facility or manage tire waste | Dakota County Ordinance No. 110 Solid Waste Management Section 7.00 through 7.05 | TBC | Mostly addresses tire– applicable if tires are found at the landfill/dump or handled at transfer station that need to be managed |
| Incineration | Requirements for waste incineration | Establish, operate or maintain an incinerator | Dakota County Ordinance No. 110 Solid Waste Management Section 8.00 through 8.01 | Not Applicable | Applicable if onsite incinerator used |
| Energy Recovery Facility | Requirements for energy recovery facilities | Establish, operate or maintain an energy recovery facility | Dakota County Ordinance No. 110 Solid Waste Management Section 9.00 through 9.02 | Not Applicable | Assume flaring only of LFG |
| Solid Waste Processing Facilities | Requirements for solid waste processing facilities | Establish, operate or maintain a waste processing facility | Dakota County Ordinance No. 110 Solid Waste Management Section 10.00 through 10.03 | Applicable | Includes list of reduced regulation type facilities |
| Transfer Stations | Requirements for transfer stations | Establish, operate or maintain a transfer station | Dakota County Ordinance No. 110 Solid Waste Management Section 11.00 through 11.02 | Not Applicable |  |
| Infectious Waste Facilities | Requirements for infectious waste facilitates | Establish, operate or maintain an infectious waste facility | Dakota County Ordinance No. 110 Solid Waste Management Section 12.00 through 12.02 | TBC |  |
| Composting Facilities | Requirements for composting facilities | Establish, operate or maintain a composting facility | Dakota County Ordinance No. 110 Solid Waste Management Section 13.00 through 13.06 Facilities | Not Applicable |  |
| Nonconforming Sites | Requirements for nonconforming sites | Site conditions that do not conform with Dakota County Ordinance No. 110 | Dakota County Ordinance No. 110 Solid Waste Management Section 14.00 through 14.04 | Applicable | Requirements for remediation of nonconforming sites |
| Collection and Transportation of Solid Waste and Recyclable Materials | Requirements for collection and transportation of solid waste and recyclable materials | Collection and transportation of solid waste and recyclable materials | Dakota County Ordinance No. 110 Solid Waste Management Section 15.00 through 15.10 | Applicable | Relocation of waste to different landfill |
| Waste Abatement Program | Requirements for waste abatement program |  | Dakota County Ordinance No. 110 Solid Waste Management Section 16.00 through 16.04 | Not Applicable | Recycling requirements |
| Variances | Requirements for variances |  | Dakota County Ordinance No. 110 Solid Waste Management Section 17.00 through 17.03 | Applicable | Application process for variance from ordinance standards |
| Emergency Waiver of Standards | Requirements for emergency waivers of standards | Disaster event occurrence | Dakota County Ordinance No. 110 Solid Waste Management Section 18.00 through 18.03 | Applicable | Flooding |
| Best Management Practices for the Off-Site Reuse of Unregulated Fill | Requirements for Unregulated Fill Reuse |  | MPCA Best Management Practices for the Off-Site Reuse of Unregulated Fill Document c-rem1-01 dated February 2012 | Not Applicable |  |
| Water Supply Regulations | | | | | |
| Connection to public sewer | State Plumbing Code (MDH) | Use of public sewer and water systems and plumbing materials and methods | Minnesota Rules Ch. 4715 | Applicable |  |
| Sewer expansion and connection approval |  |  | MCES | Applicable |  |
| Modifications to sanitary sewers to provide new or improved services |  | Modifications to sanitary sewers | Minnesota Rules Ch. 7077.0105 | Applicable |  |
| Public Water Supply | State Public Water Supply Code (MDH) | Use of public water supply | Minnesota Rules Ch. 4720 | Applicable |  |
| Public Water Resource | Water appropriation permitting, standards and criteria for alterations to structure of public water (DNR). | Plans to appropriate water or alter structure of public water | Minnesota Rules Ch. 6115 | Not Applicable |  |
| New well construction in contaminated area | Allows for designation of special Well Construction Area (MDH) | Conditions requiring Special Well Construction Area designation | Minnesota Rules Ch. 4725.3659 | Not Applicable |  |
| Monitoring well installation or abandonment | Well and boring construction, use, maintenance, and sealing information (MDH) | Water Well Code | Minnesota Rules Ch. 4725 | Applicable |  |
| Certification of Environmental Laboratories | Laboratory accreditation requirements for the State of Minnesota (MDH). | Requirement that analyses be conducted by a certified lab. | Minnesota Statute 144.97 through 144.98  Minnesota Rules Ch. 4740  Minnesota Rules Ch. 4740.2010 through 4740.2040 | Applicable |  |
| Surface Water Quality | |  |  |  | |
| Water Pollution Control Act | Regulates point source discharges to waters of the state. | Point source discharges to waters of the state | Minnesota Statute 115 | Not Applicable |  |
| Water of the State | Classifies waters of the state and establishes standards | Standards for Surface Waters | Minnesota Rules Ch. 7050 | Not Applicable |  |
| Groundwater Quality |  |  |  |  | |
| Discharge to groundwater | Nondegradation goal, prohibition of discharge to saturated zone, limitation on discharge to unsaturated zone, remediation requirements. | Discharges to underground waters | Minnesota Rules Ch. 7060 | Deferred | The FFS relates to evaluation of interim waste management alternative. Other pathways/media to be evaluated in later phase of projects |
| Groundwater use or contact | Establishes human health based groundwater standards (MDH) | Release of hazardous substances to drinking water aquifer | Minnesota Rules Ch. 4717.7500 and 4717.7801 to 4717.7900 | Deferred | The FFS relates to evaluation of interim waste management alternative. Other pathways/media to be evaluated in later phase of projects |
| Air Quality |  |  |  |  | |
| Air emissions | Duty to notify and abate excessive or abnormal unpermitted air emissions | Abnormal unpermitted air emissions | Minnesota Statute 116.061  Minnesota Rules Ch. 7019.1000 | Applicable |  |
| Air emissions | Control equipment efficiencies and monitoring | Air emissions control equipment | Minnesota Rules Ch. 7011.0060 through 7011.0080 | TBC | ARAR if flare is otherwise not regulated |
| Air emissions | Performance Testing | Stationary emission source | Minnesota Rules Ch. 7017.2001 through 7017.2060 | TBC | ARAR if testing is required |
| Air emissions | Emissions inventory | Stationary emission source | Minnesota Rules Ch. 7019.3000 through 7019.3100 | Applicable |  |
| Air emissions | Air emission permits for air emission sources | Stationary emission source | Minnesota Statute 116.081  Minnesota Rules Chs. 7005, 7007 | Applicable |  |
| Standards for Stationary Sources | Gas Emissions From Municipal Solid Waste Landfills | MSW Landfill of a certain size | Minnesota Rules Ch. 7011.3500 through 7011.3510, adopts 40 CFR 60 Subpart WWW, by reference | TBC |  |
| Environmental Review | |  |  |  | |
| Project review | Environmental Assessment Worksheet, Environmental Impact Statement | Construction of new waste disposal facility or expansion of 25% or more of existing waste disposal facility | Minnesota Rules Ch. 4410.4300 and .4400 | Not Applicable | Landfill disposal facility already sited and will not expand by more than 25% for remediation project |
| Noise Pollution Control | |  |  |  | |
| Sound generation | Standards for noise generated during operations. | Generation of noise during site activities | Minnesota Rules Ch. 7030 | Applicable |  |
| Health and Safety |  |  |  |  | |
| Worker protection | Standards for worker health, safety and training | Health and Safety | Minnesota Rules Ch. 5205 | Applicable |  |
| Property Use in Superfund Remedial Action Decisions | |  |  |  | |
| Property use | Incorporating property use into cleanup decisions | Need for remedial action decision. Use of institutional controls as part of remedial actions. | MPCA Guidance on Incorporation of Planned Property Use into Site Decisions | TBC |  |
| Lower Minnesota River Watershed District Rules and Standards | | | | | |
| Stormwater Management | Manage subwatershed discharge rates and flood storage volumes to be consistent with the Commission’s and local water resources management plans. | Plans for land or site development adjacent to or within a lake, wetland, or natural or altered watercourse as listed in the final inventory of Protected Waters and Wetlands, as prepared by the DNR. | Lower Minnesota River Watershed District Stormwater Management Standard | Applicable to LMRWD | Appendix K Section 7 of Watershed Management Plan  No permits required in LMRWD |
| Erosion and Sediment Control | Control runoff and erosion during land disturbing activities | Plans for projects covered by Rule D. | Lower Minnesota River Watershed District Erosion and Sediment Control Standard | Applicable to LMRWD | Appendix K Section 5 of Watershed Management Plan  No permits required in LMRWD |

| **Standard** | **Requirement** | **Prerequisite** | **Citation** | **Potential ARAR** | **Comments** |
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| National Archaeological and Historical Preservation Act | |  |  |  | |
| Within area where action may cause irreparable harm, loss, significant artifacts. | Construction on previously undisturbed land would require an archaeological survey to the area. | Alteration of terrain that threatens significant scientific, prehistoric, historic, or archaeological data. | Substantive requirements of 36 CFR 65, National Historic Landmarks Program. | Not an ARAR | The project area has been extensively altered by landfilling and earthwork |
| Federal National Historic Preservation Act, Section 106 | |  |  |  | |
| Historic project owned or controlled by federal agency. | Action to preserve historic properties; planning of action to minimize harm to properties listed on or eligible for listing or the National Register of Historic Places. | Property included or eligible for the National Register of Historic Places. | Substantive Requirements of 36 CFR 800, Protection of Historic Properties; 16 USC 470 | Not an ARAR |  |
| Historical Sites, Buildings, and Antiquities Act | |  |  |  | |
| Historic sites | Avoid undesirable impacts on landmarks. | Areas designated as historic sites. | 16 USC 461-467; 40 CFR 6.3, Requirements for Environmental Information Documents and Third-Party Agreement for EPA Actions Subject to NEPA | Not an ARAR |  |
| Endangered Species Act of 1973 | |  |  |  | |
| Critical habitat upon which endangered species or threatened species depend. | Action to conserve endangered species or threatened species, including consultation with the Department of the Interior. Reasonable mitigation and enhancement measures must be taken, including live propagation, transplantation and habitat acquisition and improvement. | Determination of effect upon endangered or threatened species or its habitat by conducting biological assessments. | 16 USC 460 et seq. 16 USC 1531; 16 USC 1536(a) 50 CFR 81, Conservation of Endangered and Threatened Species of Fish, Wildlife, and Plant – Cooperation with the States  50 CFR 402, Interagency Cooperation – Endangered Species Action of 1973, as amended | Not an ARAR | No designated critical habitat and marginal suitable habitat for threatened and endangered species. |
| Bald and Golden Eagle Protection Act | | | | | |
| Presence of nesting indicators | Protects bald and golden eagles from being impacted. | Determination dependent on assessment for nesting eagles. |  | Not an ARAR | Survey for nesting eagles completed in May 2019 – no eagle nests were present in project vicinity. |
| Migratory Bird Treaty Act of 1972 | |  |  |  | |
| Migratory bird area | Protects almost all species of native birds in the U.S. from unregulated “take” which can include poisoning at contaminated sites. | Presence of migratory birds. | 16 USC 703 | TBC; applicable if nesting birds present in remediation area | Can be mitigated by not initiating construction during nesting season and assuming that the multiyear remediation activities will prevent nesting from being initiated at this location until after site restoration is complete. |
| Wilderness Act |  |  |  |  | |
| Wilderness Area | Area must be administered in such a manner as will leave it unimpaired as wilderness and preserve its wilderness character. | Federally-owned area designated as wilderness area. | 16 USC 1131 et seq.; 50 CFR 35.1 et seq. | Not applicable |  |
| National Wildlife Refuge System | |  |  |  | |
| Wildlife Refuge | Only actions allowed under the provisions of 16 USC Section 688 dd(c) may be undertaken in areas that are part of the National Wildlife Refuge System. | Areas designated as part of National Wildlife Refuge System. | 16 USC 668; 50 CFR 27 | TBC | MN Valley Wildlife Refuge adjacent to dump/across highway from landfill, dump remediation activities adjacent to refuge |
| Fish and Wildlife Coordination Act, Fish and Wildlife Improvement Act of 1978, Fish and Wildlife Conservation Act of 1980 | | | |  | |
| Area affecting stream or other water body | Provides protection for actions that would affect streams, wetlands, other water bodies or protected habitats. Any action taken should protect fish or wildlife. | Diversion, channeling or other activity that modifies a stream or other water body and affects fish or wildlife. | 16 USC 661; 16 USC 662 16 USC 742a; 16 USC 2901; 50 CFR 83 | TBC |  |
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| Upper Mississippi River Management | | | | | |
| To ensure the coordinated development and enhancement of the Upper Mississippi River system. | Cooperative effort and mutual assistance on the comprehensive planning of the use, protection, growth, and development of the Upper Mississippi River System | Actions that may affect river reaches that have commercial navigation channels on the Mississippi River. | 33 USC 652 | Applicable | The Minnesota River is part of the Upper Mississippi River system |
| Clean Water Act, Section 404 | | |  |  | |
| Wetland | The degradation Section requires degradation or destruction of wetlands and other aquatic sites to be avoided to the extent possible.  Dredged or fill material must not be discharged to navigable waters if the activity contributes to the violation of Maryland water quality standards CWA Sec. 307; jeopardizes endangered or threatened species; or violates requirements of the Title III of the Marine Protection, Research and Sanctuaries Act of 1972. | Wetland as defined by Executive Order 11990 Section 7. | 40 CFR 230.10; 40 CFR 231 231.1, 231.2, 231.7, 231.8) | Applicable | Wetlands within Site that are under jurisdiction of the USACE |
| Wild and Scenic Rivers Act | |  |  |  | |
| Within area affecting national wild, scenic, or recreational rivers. | Avoid taking or assisting in action that will have direct adverse effect on national, wild or scenic recreational rivers. | Activities that affect or may affect any of the rivers specified in Section 1276(a). | 16 USC 1271 et seq. and Section 7(a); 36 CFR 297; 40 CFR 6.302(e) | Not an ARAR | There are no designated wild, scenic, or recreational areas within the Site |
| Coastal Zone Management | |  |  |  | |
| Within coastal zone | Regulates activities affecting the coastal zone including lands thereunder and adjacent shoreline. Must conduct activities in a manner consistent with the approved State management programs. | Activities affecting the coastal zone including lands thereunder and adjacent shoreland. | Section 307(c) of 16 USC 1456(c); 16 USC 1451 et. seq.; 15 CFR 930; 15 CFR 923.45 | Not an ARAR | The Site is not located within a designated coastal zone |
| Coastal Barrier Resources Act, Section 3504 | |  |  |  | |
| Within designated coastal barrier | Prohibits any new federal expenditure within the Coastal Barrier Resource System. | Activity within the Coastal Barrier Resource System | 16 USC 3504 | Not an ARAR | The Site is not located within a designated coastal zone. |
| Navigation and Navigable Waters | |  |  |  | |
| Navigable waters | Establishes regulations pertaining to activities that affect the navigation of the waters of the United States. | Activities affecting navigable waters. | 33 CFR 320-329  33 USC 1341 | Not Applicable | Minnesota River is a US navigable water throughout (USACE list), No activities are contemplated that would obstruct or alter any navigable waters of the United States. |
| Magnuson Fishery Conservation and Management Act | | |  |  | |
| Managed Fisheries | Provides for conservation and management of specified fisheries within specified fishery conservation zones (in federal waters). | Presence of managed fisheries in federal waters. | 16 USC 1801, et seq. | Not applicable | Not in fishery conservation zone. |
| Hazardous Waste Control Act (HWCA) | |  |  |  | |
| Within 61 meters (200 feet) of a fault displaced in Holocene time | New treatment, storage or disposal of hazardous waste prohibited. | Resource Conservation and Recovery Act (RCRA) hazardous waste; treatment, storage or disposal of hazardous waste | 40 CFR 264.18 (a) | Not applicable | Dakota County Geologic Atlas and Hennepin County Geologic Atlas |
| Within 100-year floodplain | Facility must be designed, constructed, operated, and maintained to avoid washout. | RCRA hazardous waste; treatment, storage, or disposal of hazardous waste. | 40 CFR 264.18(b) | Applicable | Perimeter of dump and parts of landfill in flood zone AE (100-yr) FEMA/Dakota County GIS maps |
| Within salt dome formation, underground mine, or cave | Placement of noncontainerized or bulk liquid hazardous waste prohibited. | RCRA hazardous waste placement. | 40 CFR 264.18(c) | Not Applicable |  |
| Executive Order 11988, Protection of Floodplains | |  |  |  | |
| Within floodplain | Actions taken should avoid adverse effects, minimize potential harm, restore and preserve natural and beneficial values. | Action that will occur in a floodplain, i.e., lowlands, and relatively flat areas adjoining inland and coastal waters and other flood-prone areas. | 40 CFR 6, Appendix A; excluding Sections 6(a)(2), 6(a)(4), 6(a)(6); 40 CFR 6.302 | Applicable | Perimeter of dump and parts of landfill in flood zone AE (100-yr) FEMA/Dakota County GIS maps |
| Rivers and Harbors Act of 1972 – Section 10 | |  |  |  | |
| Navigable waters | Permits are required for structures or work affecting navigable waters. | Activities affecting navigable waters. | 33 USC 403 | Not Applicable | Minnesota River is a US navigable water throughout (USACE list), No activities are contemplated that would obstruct or alter any navigable waters of the United States. |
| Fire and Electrical Code | |  |  |  | |
| National Fire Protection Association Code |  |  | NPFA 70 | Applicable | Assuming gas flare used. |
| National Electrical Code |  |  | NEC | Applicable | Assuming gas flare used. |

| **Standard** | **Requirement** | **Prerequisite** | **Citation** | **Potential ARAR** | **Comments** |
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| Endangered, Threatened, and Special Concern Species | | | | | |
| Endangered, Threatened, and Special Concern Species | Protection of state-level endangered or threatened species (DNR) | Endangered or threatened Species | Minnesota Rules Ch. 6134, Endangered, Threatened, Special Concern Species | TBC | Calcareous Fen state-threatened plans regulated under MN Statute 84.0895. Fen area will be determined in the wetland delineation and is anticipated to be east of the project. |
| Protected Waters/Water Appropriation | | | | | |
| Surface Water | Classifies lakes and wetlands, appropriation permitting (DNR) | Protected Waters/Water Appropriation | Minnesota Rules Ch. 6115, Public Water Resources | Applicable | Wetland adjacent to Site |
| Surface Water | Shoreland alterations or structures (DNR) | Shoreland Management | Minnesota Rules Ch. 6120, Shoreland and Floodplain Management | TBC | Extent of waste may extend to the shoreline |
| Surface Water | For work below ordinary high water mark of waters designated as “public waters of wetlands” by State of Minnesota. | State of Minnesota Public Water designation |  | Applicable | Applicable to activities that take place below the OHWM of the Minnesota River. |
| Minnesota Wetland Conservation Act | | | | | |
| Wetlands | Protection of wetlands | Presence of wetlands | Minnesota Statute 103G.221-2373 | Applicable | Wetlands adjacent to Site |
| Wetlands conservation | Protection of wetlands, wetland functions for determining public values. |  | Minnesota Rules 8420, Wetland Conservation | Applicable | Wetlands adjacent to Site |
| State Advisories | | | | | |
| Fish Consumption Advisories | Consumption guidelines for lakes and rivers where fish have been tested for contaminants. | Advisories established by Minnesota Department of Health | Fish Consumption Advice (MDH Website) | Not Applicable |  |
| Lower Minnesota River Watershed District Rules and Standards | | | | | |
| Floodplain Alteration | Requires compensatory storage for floodplain fill. | Alteration or filling of land below the 100-year critical flood elevation of any public waters | Lower Minnesota River Watershed District Floodplain and Drainage Alteration Standard (Appendix K Section 6 of Watershed Management Plan) | Not Applicable | Alternatives expected to create more (not fill in) 100 year floodplain. |
| Wetland Alteration | Requires replacement of affected wetlands where avoidance is not feasible and prudent. | Presence of wetlands |  | Applicable |  |
| City of Burnsville Ordinances | | | | | |
| Zoning Ordinance | Restricts use of property that is inconsistent with the City’s designated uses. | Land development in Burnsville | City of Burnsville City Code, Title 10 Zoning | Applicable | City of Burnsville City Code, Title 10 Zoning  Landscaping requirements (tree removal) for business and industrial districts in City Code Title 10 Ch 30A Sections 8-10 |
| General City, County and State Requirements | | | | | |
| Dakota County weight restrictions | Spring load restrictions for weight per axle of vehicles on some County highways during spring months. After spring load restrictions are lifted, Dakota County highways are restricted to 9-10 ton per axle. | County highways in Dakota County | Dakota County website | Applicable |  |
| MnDOT weight restrictions | Load limits for vehicles based on weight per axle and time of year | Metro area as defined by MnDOT | MnDOT website | Applicable |  |
| MnDOT county and city utility easement permitting | Permit required | Work in MnDOT, county or city easements |  | Applicable |  |
| MN State Building and Fire Code | Standard for construction of all buildings in the state |  | 2015 MN State Fire Code, Minnesota Department of Public Safety, 2015 Minnesota State Building Codes | Applicable |  |

| **Standard** | **Requirement** | **Prerequisite** | **Citation** | **Potential ARAR** | **Comments** |
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| Soil |  | | | | |
| Addressing dioxin in soil at CERCLA and RCRA sites. | Recommend preliminary PRGs of starting points for cleanup levels at CERCLA and RCRA sites. | CERCLA/RCRA site with dioxin contamination. | OSWER Directive 9200.4-26, April 13, 1998 | TBC | See above dioxin comment |
| Evaluating human health risk caused by exposure to contaminated soil. | Tier 1 and Tier 2 Soil Reference Values (SRVs) | Incidental soil ingestion, dermal contact with soil, and inhalation of outdoor vapors and particulates from soil. | Risk-Based Guidance for the Soil – Human Health Pathway, MPCA Risk-Based Site Evaluation Manual | TBC | Existing site soil reuse and soil import will consider |
| Evaluating the risk to groundwater at sites form the soil-to-groundwater pathway | Tier 1 and Tier 2 Soil Leaching Values (SLVs) | Contaminants leaching to groundwater and potential exposure to groundwater. | Risk-Based Guidance for Evaluating the Soil Leaching Pathway, MPCA Risk-Based Site Evaluation Manual | TBC | The FFS relates to evaluation of interim waste management alternative. Other pathways/media to be evaluated in later phase of project. |
| Groundwater | | | | | |
| Groundwater, public water supplies | Meet National Primary Standards for maximum contaminant levels (MCLs) | Drinking water source at tap | Safe Drinking Water Act (SDWA); 40 CFR 141  40 CFR 142  40 CFR 143 | Deferred | The FFS relates to evaluation of interim waste management alternative. Other pathways/media to be evaluated in later phase of project. |
| Hazardous substances in groundwater | Establishes human health based groundwater standards (MDH) known as Health Risk Limits (HRLs) | Potential exposure to groundwater | Minnesota Rules Ch. 4717.7500 and 4717.7801 to 4717.7900 | Deferred | The FFS relates to evaluation of interim waste management alternative. Other pathways/media to be evaluated in later phase of project. |
| Hazardous substances in groundwater | Framework for evaluating groundwater contamination and managing remediation decisions. | Use of groundwater for domestic purposes. | Groundwater Guidance Document, MPCA Risk-Based Site Evaluation Manual  Drinking Water Criteria Spreadsheet (rev. 9/08) | Deferred | The FFS relates to evaluation of interim waste management alternative. Other pathways/media to be evaluated in later phase of project. |
| Surface Water |  | | | | |
| Surface Water | Ambient Water Quality Criteria established to protect aquatic life and human consumers of water or aquatic life. | Activities that affect or may affect surface water. | 40 CFR 131, Water Quality Standards | Deferred | The FFS relates to evaluation of interim waste management alternative. Other pathways/media to be evaluated in later phase of projects |
| Surface Water Screening Criteria | Establishes human health-based and ecological surface water criteria | Activities that affect or may affect the surface water. | Surface Water Pathway Evaluation User’s Guide, Tables 1 and 11, MPCA Risk-based Site Evaluation Manual | Deferred | The FFS relates to evaluation of interim waste management alternative. Other pathways/media to be evaluated in later phase of projects. |
| Air |  |  |  |  |  |
| Ambient Air Quality Standards | Establishes acceptable air concentrations | Activity that affects air quality. | Minnesota Rules Ch. 7009 | Applicable |  |
|  |  |  |  |  |  |
| Standards for Stationary Sources | Limits on visible emissions | Activities that generate visible emissions not otherwise regulated. | Minnesota Rules Ch. 7011.0100 through 7011.0120 | Applicable |  |
| Standards for Stationary Sources | Limits on particulate matter | Activities that generate particulate matter. | Minnesota Rules Ch. 7011.0150 | Applicable |  |
| Standards for Hazardous Air Pollutants: MSW Landfills | Establishes emissions limitations and work practice standards for hazardous air pollutants emitted from MSW Landfills | Emission of hazardous air pollutants. | Minnesota Rules Ch. 7011.7390, adopts 40 CFR 63 Subpart AAAA, by reference | TBC | Will be an ARAR if site is subject to 40 CFR 60, subp. WWW/XXX |
| Standards for Hazardous Air Pollutants: Site Remediation | Establishes emissions limitations and work practice standards for hazardous air pollutants emitted from site remediation activities. | Emission of hazardous air pollutants. | Minnesota Rules Ch. 7011.8010, adopts 40 CFR 63 Subpart GGGGG, by reference | TBC |  |
| Intrusion Screening Values (ISV) (September 24, 2008) | For evaluating the potential risks to human health caused by exposure to volatile compounds in buildings | Presence of volatile compounds in soil or shallow groundwater. | Risk-Based Guidance for the Vapor Intrusion Pathway, MPCA Risk-Based Site Evaluation Manual | Deferred | The FFS relates to evaluation of interim waste management alternatives. Other pathways/media to be evaluated in later phase of project. |
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| All Media | | | | | |
| Carcinogenic PAHs in media | Estimating health risks from carcinogenic PAHs. | Potential PAH exposure to humans | MDH guidance Document, July 2, 2004. | Deferred | The FFS relates to evaluation of interim waste management alternatives. Other pathways/media to be evaluated in later phase of project |
| Dioxin-like compounds in media | Estimating health risks from dioxin- like compounds. | Potential dioxin-like compound exposure to humans | MDH Guidance Document October 2006. | Deferred | The FFS relates to evaluation of interim waste management alternatives. Other pathways/media to be evaluated in later phase of project. |
| Hazardous substances in media | Guidelines and criteria for screening human health and ecological risks. | Potential hazardous substance exposure to humans and ecology | April 26, 1996 Working Site Screening Evaluation Guidelines. MPCA Risk-Based Site Evaluation Manual | Deferred | The FFS relates to evaluation of interim waste management alternatives. Other pathways/media to be evaluated in later phase of project. |