



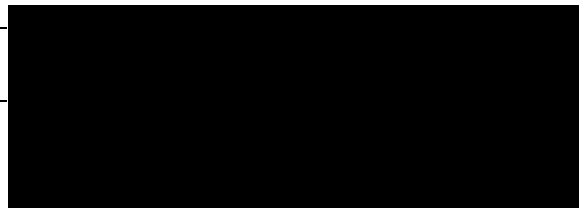
**US Army Corps
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**PLN-60066-006
Rev. 0**

**Regulatory Compliance Plan for Building
Deconstruction at the Luckey Formerly Utilized Sites
Remedial Action Program Remediation Project**

**U.S. Army Corps of Engineers
Buffalo District, Buffalo, New York**

Applicability: Luckey FUSRAP Building Deconstruction	Effective Date: 12/10/2020
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Completion of Independent Technical Review

This document has been produced within the framework of the North Wind Site Services quality management system. As such, an independent technical review (ITR), appropriate to the level of risk and complexity inherent in the project, has been conducted. This included review of assumptions (methods, procedures, and material used in analyses), alternatives evaluated; the appropriateness of data used and level of data obtained; and reasonableness of the results, including whether the product meets the project objectives. Comments and concerns resulting from review of the document have been addressed and corrected as necessary.

ITR performed by: [REDACTED]	
Signature: [REDACTED]	Date: 12/10/2020



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History of Revisions

Revision	Issue Date	Action	Description
0	12/10/2020	New document.	Initial issue.



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ACRONYMS AND ABBREVIATIONS

AEA	Atomic Energy Act
AEC	Atomic Energy Commission
ALARA	as low as reasonably achievable
APP	Accident Prevention Plan
ARAR	applicable or relevant and appropriate requirement
CAA	Clean Air Act
CBDPP	Chronic Beryllium Disease Prevention Program
CCP	Contamination Control Plan
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
COC	constituent of concern
CQCP	Contractor Quality Control Plan
CWA	Clean Water Act
DoD	Department of Defense
DOE	Department of Energy
DOT	Department of Transportation
EC	engineering circular
EM	engineer manual
EP	engineer pamphlet
EPA	(U.S.) Environmental Protection Agency
ER	engineer regulation



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FUSRAP	Formerly Utilized Sites Remedial Action Program
HAZWOPER	hazardous waste operations and emergency response
HTRW	hazardous, toxic, and radioactive waste
MARSSIM	Multi-Agency Radiation Survey and Site Investigation Manual
µg	micrograms
mg/kg	milligrams per kilogram
mrem/yr	millirem per year
NCP	National Contingency Plan
NESHAP	National Emissions Standards for Hazardous Air Pollutants
North Wind Site Services	North Wind Site Services, LLC
NPDES	National Pollutant Discharge Elimination System
NRC	Nuclear Regulatory Commission
OAC	Ohio Administrative Code
ODH	Ohio Department of Health
OEPA	Ohio Environmental Protection Agency
ORC	Ohio Revised Code
OSHA	Occupational Safety and Health Administration (or Act)
PCB	polychlorinated biphenyl
pCi/g	picocuries per gram
QAPP	Quality Assurance Project Plan
QC	quality control
RCRA	Resource Conservation and Recovery Act



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RCP	Regulatory Compliance Plan
RPP	Radiation Protection Plan
SAP	Sampling and Analysis Plan
SARA	Superfund Amendments and Reauthorization Act
SPCC	Spill Prevention, Control, and Countermeasure
SSHPP	Site Safety and Health Plan
SWPPP	Stormwater Pollution Prevention Plan
TEDE	total effective dose equivalent
TENORM	technologically enhanced naturally occurring radioactive material
TSCA	Toxic Substances Control Act
UFGS	Unified Facilities Guide Specification
UFP	Uniform Federal Policy
USACE	United States Army Corps of Engineers
USC	United States Code
WMP	Water Management Plan
WMTDP	Waste Management, Transportation, and Disposal Plan



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1. INTRODUCTION

1.1 Background and Purpose

The United States Army Corps of Engineers (USACE), Buffalo District, has contracted North Wind Site Services, LLC, (North Wind Site Services) under Contract Number W912P420C0013 to perform deconstruction and removal of unsafe and no longer needed buildings at the Luckey site. The site is being remediated under the USACE's Formerly Utilized Sites Remedial Action Program (FUSRAP).

The site was used for beryllium processing in support of the national defense program. Atomic Energy Commission (AEC)-related production activities and operations occurred at the site from 1949 to 1961. Beryl ore (beryllium aluminum silicate), scrap metal, and radioactive contaminated scrap metal were brought to the site during this period. The site has been identified as having materials contaminated with FUSRAP-related constituents of concern (COCs), which include beryllium, lead, radium-226, thorium-230, uranium-234, and uranium-238. The buildings to be deconstructed and removed under Contract Number W912P420C0013 likely have asbestos-containing materials and lead-based paint.

The site is located at 21200 Luckey Road, northwest of the Village of Luckey in Wood County, Ohio. The Village of Luckey is 22 miles southwest of Toledo, Ohio. The site encompasses approximately 40 acres and contains the production building and warehouse, two abandoned railroad spurs, and several smaller process and support buildings. The site is bordered by Luckey Road to the west, Gilbert Road to the south, abandoned railroad tracks to the east, and private farmland to the north. The surrounding area west, north, and east of the site is primarily farmland with several residential properties and a former quarry to the south.

The primary objective of this project is the timely and effective building deconstruction and removal at the site in accordance with the *Performance Work Statement, Building Deconstruction Luckey FUSRAP Site, Luckey, OH* (USACE 2020a). USACE also issued an *Explanation of Significant Differences for the Record of Decision – Soils Operable Unit* in March 2017 (USACE 2017). This document made the case for including this building deconstruction scope of work under the Soils Operable Unit ROD, because significant below-grade beryllium (site COC) was confirmed to be present underneath production facilities on-site. The selected approach is deconstruction of above-ground buildings and debris. All materials will be considered as requiring shipment off-site for disposal at a licensed/permitted disposal facility. This approach satisfies the requirements while protecting human health and the environment and will comply with applicable or relevant and appropriate requirements (ARARs). Deconstruction and removal activities will be conducted in a manner that protects the public and site workers from site-related contaminants. Chemical, fiber, and radiological exposure levels will be maintained as low as reasonably achievable (ALARA).



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This Regulatory Compliance Plan (RCP) addresses the federal and state regulatory requirements and USACE guidance governing site activities; it also outlines the laws, rules, regulations, and standards North Wind Site Services will follow. To this end, North Wind Site Services will protect human health and the environment and maintain the ALARA philosophy. North Wind Site Services' project organization, key personnel, and overall strategy for site remediation are described in the *Building Deconstruction Plan for the Luckey Formerly Utilized Sites Remedial Action Program Remediation Project* (USACE 2020b).

The means, methods, and procedures involved in completing the remedial action at this site are presented in the project work plans. These plans are referenced throughout this RCP and include the following:

- *Building Deconstruction Plan* (USACE 2020b) – This plan describes the buildings, methods and procedures North Wind Site Services will use to complete remediation in accordance with USACE guidelines, thereby maintaining a safe and productive work environment. The plan describes North Wind Site Services' overall plan for completing the deconstruction of the production building, maintenance office building, and main office building at the Luckey Site, and it references the supporting work plans, listed below, for further details.
- *Water Management Plan* (WMP) (USACE 2020c) – The WMP describes methods for preventing surface water run-on and controlling surface runoff water, including methods for collecting, storing, and managing water from active deconstruction and waste handling areas. The WMP includes a waste water pollution prevention plan, which addresses the management of potentially contaminated water in the deconstruction and active work areas, including collection, treatment, and discharge.
- *Stormwater Pollution Prevention Plan* (SWPPP) (USACE 2020d) – The SWPPP addresses practices to be used to control surface water run-on and runoff at the site.
- *Contractor Quality Control Plan* (CQCP) (USACE 2020e) – The CQCP provides procedures to ensure that work activities comply with the USACE *Performance Work Statement, Luckey Building Deconstruction, Luckey Site* (USACE 2020a), other supporting project work plans, and USACE quality control (QC) requirements.
- *Accident Prevention Plan* (APP)/*Site Safety and Health Plan* (SSHP) (USACE 2020f) – The APP/SSHP specifies policies and practices designed to control exposure to physical, chemical, biological, and radiological health hazards, and to protect personnel and property from loss due to accidents. Plan contains pertinent information regarding bloodborne pathogens and site security operations.



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- *Chronic Beryllium Disease Prevention Program (CBDPP)* (USACE 2020g) – The CBDPP provides details of the program that will be followed at the Luckey Site to prevent and minimize beryllium exposure by remediation workers and the public.
- *Radiation Protection Plan (RPP)* (USACE 2020h) – The RPP addresses radionuclides that will be encountered at the site, and it provides details of the methods, materials, and equipment that will be used to prevent and minimize remediation worker and public exposure to radiation.
- *Uniform Federal Policy Quality Assurance Project Plan Sampling and Analysis Plan (UFP QAPP SAP)* (USACE 2020i) – The UFP QAPP SAP consists of two components: a field sampling plan and a quality assurance project plan. The UFP QAPP SAP describes specific testing and QC protocols and procedures for air, soil, water, and waste sampling at the site for both personnel safety and field remediation/waste characterization purposes.
- *Waste Management, Transportation, and Disposal Plan (WMTDP)* (USACE 2020j) – The WMTDP specifies policies and practices that will be implemented regarding the handling, transportation, and disposal of building debris and associated wastes.
- *Contamination Control Plan (CCP)* (USACE 2020k) – The CCP defines the means and methods by which contamination controls will be established and maintained. The CCP provides details regarding plans for monitoring and controlling the spread of contamination, whether through soil or airborne emissions, outside of the exclusion zone and the site boundary. The CCP also includes procedures for measuring, documenting, and responding to potential airborne contaminants, with a focus on the site perimeter.

2. APPROACH

The FUSRAP was initiated in 1974 to identify, assess, and clean up sites with residual radioactive contamination resulting from research and development activities associated with the U.S. early atomic weapons program. In 1997, Congress transferred management of FUSRAP to the USACE from the Department of Energy (DOE), and the two agencies formalized a Memorandum of Understanding in March 1999. As part of FUSRAP management, USACE is overseeing deconstruction of radiologically contaminated buildings at the Luckey Site in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 United States Code [USC] § 9601 et seq.), as amended, and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 Code of Federal Regulations [CFR] 300.430[f][2]).

Work at the site shall also proceed following additional guidelines known as ARARs. Section 121(d) of CERCLA requires that on-site deconstruction or remedial actions attain federal environmental ARARs, or more stringent state environmental ARARs, upon completion of the



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remedial action, unless a waiver to an ARAR is justified and invoked. The NCP (40 CFR 300.5, “Definitions”) provides the official definition of the two components of ARARs as follows:

- “*Applicable requirements* means those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under federal environmental or state environmental or facility siting laws that specifically address a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance found at a CERCLA site. Only those state standards that are identified by a state in a timely manner and that are more stringent than federal requirements may be applicable.” Administrative regulatory requirements related to waste treatment and disposal do not apply under this remedial action (e.g., Resource Conservation and Recovery Act [RCRA] 90-day limit, universal waste disposal in one year, polychlorinated biphenyl [PCB] waste disposal time limits, and hazardous waste treatment permits).
- “*Relevant and appropriate requirements* means those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under federal environmental or state environmental or facility siting laws that, while not applicable to a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance at a CERCLA site, address problems or situations sufficiently similar to those encountered at the CERCLA site that their use is well suited to the particular site. Only those state standards that are identified in a timely manner and are more stringent than federal requirements may be relevant and appropriate.”

The NCP also requires compliance with ARARs during implementation of remedial actions and during removal actions to the extent practicable. The ARARs for the Luckey Site, as they pertain to the building deconstruction, are summarized in Section 3.1 of this Plan.

3. REGULATORY REQUIREMENTS

The following sections provide a review of the requirements determined to be applicable as well as relevant and appropriate for building deconstruction, and they present a compilation of the specific laws, rules, regulations, and standards governing safety and operational requirements North Wind Site Services will follow during the actual execution of the building deconstruction activities. Section 3.1 lists the ARARs while Section 3.2 discusses other laws, rules, regulations, and standards that could affect building deconstruction activities at the Luckey Site.

3.1 ARARs for Building Deconstruction at the Luckey Site

3.1.1 10 CFR Part 20 – Radionuclides

Title 10 CFR Part 20 is applicable to Nuclear Regulatory Commission (NRC) licensed facilities. The NRC promulgated the regulation to ensure consistent standards for determining the extent to



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which lands and buildings must be remediated before remediation can be considered complete and the NRC license terminated. The Luckey Site does not have an NRC license. Therefore, the rule is not applicable.

The regulation applies to any facility licensed by the NRC to manage special nuclear, source, or byproduct radionuclide material undergoing decontamination and remediation for release of the property for reuse. The Luckey Site is an industrial facility undergoing decontamination in order to remove radioactive residuals so the property may be released for reuse. The radioactive residuals at the Luckey Site are residuals of uranium ore, naturally occurring uranium in the beryllium ore, and/or residuals from contaminated scrap metal sent to the site during AEC activities. These radiological constituents are included in the radiological constituents addressed by 10 CFR Part 20. In addition, the type and size of the facility at the Luckey Site is consistent with the type and size of facilities regulated by 10 CFR Part 20. The media to be remediated and the radiological COCs at the Luckey Site are generally the same or similar to those found at sites subject to the regulation. The standards in 10 CFR Part 20 are:

- Unrestricted use: Total effective dose equivalent (TEDE) limited to 25 millirem per year (mrem/yr) to the average member of the critical group and as low as reasonably achievable.
- Restricted use: Durable land-use controls that ensure the TEDE to the critical group do not exceed 25 mrem/yr, ALARA, license termination plan, public input, and 100 mrem/yr or 500 mrem/yr, under specific regulatory conditions, to the critical group if land-use controls fail.
- The critical group is defined based on reasonable future use of a site. For the Luckey Site, that group has been identified as the subsistence farmer.

In summary, 10 CFR Part 20 is both relevant and appropriate for use in the development of media-specific cleanup goals at the Luckey Site. The rule addresses situations sufficiently similar to the circumstances of the release at the Luckey Site and is appropriate and well-suited to the circumstances of the release. The rule requires evaluation of the critical group, which is based on reasonable future land use. Table 8.1 of the *Record of Decision for Soils Operable Unit* (USACE 2006) defines cleanup goals for radionuclides based on 10 CFR Part 20. Activities listed in the table correspond to a dose of 25 mrem/yr for unrestricted land use by the critical group, which has been determined to be the subsistence farmer. If a mixture of radionuclides is present, then the sum of ratios applies.

3.1.2 OAC 3701:1-38-22 – Radionuclides

Ohio Administrative Code (OAC) 3701:1-38-22 contains limitations for AEC-related radionuclides that are the same as those found in 10 CFR Part 20 Subpart E. The requirement has been promulgated by the State of Ohio, as an agreement state, to ensure consistent standards for determining the extent to which property in Ohio must be remediated before decommissioning of



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a site can be considered complete, and the state license can be terminated. The OAC 3701:1-38-22 is applicable to state-licensed facilities. The Luckey Site has no state license; therefore, the regulation is not applicable at the Luckey Site.

However, OAC 3701:1-38-22 is also relevant and appropriate for the same reasons that 10 CFR Part 20, Subpart E is relevant and appropriate. The regulation addresses situations sufficiently similar to the circumstances of the release at the Luckey Site, and its use is appropriate and well-suited to the circumstances of the release. The OAC 3701:1-38-22 establishes a standard for unrestricted release of property of 25 mrem/yr and ALARA as the total effective dose equivalent to an average member of a critical group. The critical group is defined as “the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances” (OAC 3701:1-38-01[A][35]).

3.1.3 TSCA 403 – Lead Dust

On January 5, 2001, the U.S. Environmental Protection Agency (EPA) issued a final rule under Section 403, “Lead; Identification of Dangerous Levels of Lead; Final Rule,” of the Toxic Substances Control Act (TSCA) (40 CFR Part 745, “Lead-based Paint Poisoning Prevention in Certain Residential Structures”). Under the new standards, lead is considered a hazard if there are greater than 40 micrograms (μg) of lead in dust per square foot on floors, 250 μg of lead in dust per square foot on interior window sills, and 400 milligrams per kilogram (mg/kg) of lead in bare soil in children’s play areas, or 1,200 mg/kg average for bare soil in rest of the yard. This final rule was effective on March 6, 2001.

The lead hazard standards were developed to aid in setting priorities to address the risks from lead at residential and child-occupied facilities affected by lead-based paint. As noted above, it does set a standard for levels of lead dust on floors and window sills inside buildings considered to be hazardous. The rule would not be considered applicable, since the source of lead impacts at the Luckey Site are not from the presence of lead-based paint. However, the constituent (lead) and the exposure scenario (residential exposure to children) are the same as those being addressed at the Luckey Site. Therefore, this rule should be considered relevant and appropriate for use at the Luckey Site for lead dust concentrations in buildings because the reasonably foreseeable use of the property is for a resident, subsistence farmer who may have children. There are two allowable concentrations of lead in soils specified in the rule. The USACE chose to use the more restrictive concentration of 400 mg/kg of lead in bare soil in children’s play areas. Thus, 400 mg/kg was selected as the media-specific cleanup goal for lead in soil at the Luckey Site.

3.1.4 OAC 3745 – Asbestos

The asbestos program regulates two primary areas: emissions control and licensing, certification and course management.



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The OAC 3745-20 contains regulations for controlling asbestos emissions from demolition and renovation projects. Ohio’s regulations are consistent with U.S. EPA’s National Emission Standards for Hazardous Air Pollutants (NESHAP) regarding asbestos. The regulations require that contractors do several things, such as provide a notification, conduct thorough inspections to determine the presence of asbestos, follow specific work practices, and ensure proper disposal of asbestos-containing material. The Luckey site is unique in that the structure is unsafe to enter and perform a pre-demolition asbestos survey prior to demolition. It is assumed that the building materials contain some amount of asbestos; therefore, demolition debris will be kept wet to ensure there are no visible emissions as per this regulation. Perimeter air monitoring will be performed on a daily basis to demonstrate that engineering controls are sufficient and that no asbestos hazards are being released from the site. The asbestos program licenses and certifies companies and persons directly involved with the asbestos abatement industry. OAC 3745-22 contains regulations pertaining to contractors performing asbestos removal projects, project supervisors, project designers, workers removing asbestos, persons inspecting buildings for asbestos-containing materials and developing plans to manage asbestos found in a facility, persons conducting air sampling for asbestos, and the companies that provide required asbestos training. The asbestos program ensures the safety and quality of asbestos services by requiring persons to take approved training that is specific to the asbestos-related activities in which they will be involved and by inspecting/auditing the activities of the program participants. All asbestos abatement personnel will have the appropriate level of training and certifications to meet the requirements of this regulation.

3.2 Requirements for the Execution of Building Deconstruction

North Wind Site Services and its subcontractors will adhere to all applicable laws, rules, regulations, and standards of federal, state, and local authorities in executing remediation at the Luckey Site. The following sections summarize the regulatory authorities and agencies that serve as the framework for the project execution. These laws, regulations, standards, and overseeing agencies are presented and defined in this section, and the summary of the laws, regulations, and standards and their application to the site are presented in Section 3.3.

3.2.1 Permitting

Pursuant to Section 121(e) of CERCLA (42 USC 9621[e]), permits typically required under federal and state laws or statutes (such as the Federal Clean Water Act [CWA] [33 USC § 1251 et seq.] or Clean Air Act [CAA] [42 USC § 7401 et seq.]) are not required for the portion of remedial actions conducted on-site. However, on-site operations completed by USACE and its contractors must comply with all substantive requirements of federal, state, and local laws and regulations. On-site treatment may be performed without a treatment permit under CERCLA, as this is an administrative requirement.



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Permits required for off-site operations (e.g., solid waste transport) will be obtained through the appropriate regulating entity and the U.S. Department of Transportation (DOT). Additional details on the permits associated with off-site waste management and handling are discussed in the WMTDP (USACE 2020j). Ohio DOT Special Hauling Permits may be necessary in the delivery and demobilization of facilities and equipment to/from the site, and vendors will identify them during the procurement process.

3.2.2 Statutory Authorities

This section introduces the major safety, environmental, and preservation statutes/laws that frame remedial actions and restoration activities at radiological and chemically contaminated sites, with a specific focus on the Luckey Site. These laws provide agencies with the authority to develop and implement regulations, guidance, and standards affecting radiation protection and cleanup of radioactive waste.

- Atomic Energy Act of 1954 (AEA) (42 USC § 2011 et seq.), as amended. Through the formation of the AEC, this Act promulgated the basic criteria for the development, management, processing, and utilization of radioactive materials in a manner that protects public health and the environment. In 1974, under the Energy Reorganization Act (42 USC § 5801) the AEC was reorganized to separate the functions of national defense and development and energy-related work (established under what is now the DOE) and nondefense-related radioactive material regulation under the then newly created NRC. The NRC regulates source, byproduct, and special nuclear material, as defined in the AEA.
- CERCLA (42 USC § 9601 et seq.), as amended. This Act serves as the basis for the cleanup of abandoned or closed waste sites and provides the requirements for the response to uncontrolled releases of hazardous substances to the environment. Under CERCLA, the process of evaluating a site and its existing or potential hazards was established. This includes preparing a site-specific remedial investigation and feasibility study. Based on alternatives presented in the feasibility study, a proposed plan is developed, which identifies the preferred alternative, and a record of decision is developed which identifies the selected remedy to be implemented. This is followed by completing remedial design and remedial action to address the release or threat of release of contamination. The Act authorizes the U.S. EPA to complete remedial action in response to releases or substantial threats of releases of hazardous substances into the environment.
- Superfund Amendments and Reauthorization Act of 1986 (SARA) (Public Law 99-499). Passage of SARA did not change the basic structure of CERCLA; instead, it modified existing requirements on remedial alternative evaluations and long-term reviews of the implemented remediation effectiveness. This Act also promulgated new standards for the health and safety of workers at hazardous waste sites.



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- RCRA (Solid Waste Disposal Act) (42 USC § 6901 et seq.). This Act provides for the regulation of solid and hazardous waste, requiring detailed management of waste from generation to final disposal, under the “cradle to grave” management system. This process was established to prevent new uncontrolled hazardous releases from occurring and provide better protection for human health and the environment. Under RCRA, solid and hazardous wastes are defined and classified, and the processes for conducting and permitting the treatment, storage, and disposal of these wastes are set forth. Further, the duties of hazardous waste generators and transporters are established.

Under the definitions of RCRA, source, by-product, or special radioactive materials arising out of the AEA are expressly excluded from the definition and thus from regulation under RCRA, pursuant to 40 CFR 261.4 (a)(4). If, however, a radiological waste also contains listed hazardous waste or exhibits characteristics of hazardous waste, the waste would be determined to be *mixed waste* and the regulations of both AEA and RCRA would apply.

- TSCA (15 USC § 2601 et seq.). TSCA regulates the manufacture, distribution in commerce, processing, use, and disposal of chemical substances and mixtures. Like RCRA, radioactive materials covered by the AEA are expressly excluded from the TSCA. The TSCA typically becomes applicable at an AEA site when other chemicals, such as asbestos, radon, or polychlorinated biphenyls, are identified and require management.

TSCA, Title II, “Asbestos Hazard Emergency Response,” as contained in 15 USC Chapter 53, Subchapter II, as published January 3, 2017, in Supplement III of the 2012 edition of the USC. Title II requires asbestos contractors and analytical laboratories to be certified, and schools to use certified persons for abatement work. Training and accreditation requirements also apply to inspectors, contractors, and workers performing asbestos abatement work in all public and commercial buildings. Other Title II requirements (such as mandates that buildings be inspected for asbestos) have not been extended to non-school buildings.

- Federal Water Pollution Control Act Amendments of 1972, and as amended in 1977, commonly referred to as the CWA (33 USC § 1251 et seq.). The CWA established interim water quality goals aimed at restoring and maintaining the chemical, physical, and biological integrity of the nation’s surface waters. The objective of the CWA is to prevent, reduce, and eliminate discharges of pollutants by developing a national monitoring program and procedures for interfacing with state programs of a similar nature. Major requirements of the CWA include establishing discharge effluent limits, establishing the National Pollutant Discharge Elimination System (NPDES) permitting program, and setting toxicity-based water quality standards.



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- CAA (42 USC § 7401 et seq.). The CAA protects and enhances the nation's air quality by establishing the national ambient air quality standards, new source performance standards, and monitoring and reporting provisions. Under this Act, radionuclides are defined as a hazardous air pollutant.
- Occupational Safety and Health Act (29 USC § 651 et seq.). The Occupational Safety and Health Act was passed to ensure worker and workplace safety, and it resulted in the creation of the Occupational Safety and Health Administration (OSHA). The goal of the law was to ensure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions. This Act also created the National Institute for Occupational Safety and Health as a research institution to establish standards for workplace health and safety. The OSHA is a division of the U.S. Department of Labor. It oversees the administration of the Act and enforces standards in all 50 states.
- Hazardous Materials Transportation Act, as amended by the Hazardous Materials Transportation Uniform Security Act (49 USC § 1801 et seq.). These Acts establish requirements for transportation of hazardous materials, including procedures and requirements for classification, packaging, labeling, marking, shipping, and placarding of hazardous materials.
- Presidential documents:
 - *Executive Orders:*
 - Floodplain Management, Executive Order 11988, requires federal agencies to evaluate the potential effects of actions they may take in a floodplain area, to the maximum extent possible, with respect to adverse impacts associated with the direct and indirect development of these areas. Regulation of floodplain management is provided at 40 CFR 6.302(b).
 - Protection of Wetlands, Executive Order 11990, requires federal agencies to evaluate the potential effects of actions on wetlands and to avoid undertaking any actions, to the maximum extent possible, that would negatively impact wetlands. The regulation providing wetland protection is 40 CFR 6.302(a). The Clean Water Act's Section 404 prohibits the discharge of dredged or fill material into waters of the United States without a permit from USACE.



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3.2.3 Federal Regulatory Agencies

North Wind Site Services will follow promulgated requirements of the following federal agencies during building deconstruction. Some of these agencies may have regulatory oversight for one or more of North Wind Site Services' activities at the Luckey Site.

- NRC – Responsibilities of the NRC include regulatory and oversight duties associated with radiological materials and operations other than national defense or energy research and development. Specifically, the NRC provides standards for licensing, radiation safety, and protection for source, byproduct, and special nuclear materials licenses. The NRC also provides requirements for packaging, transporting, and disposal of radioactive waste.
- OSHA – The OSHA regulations apply to the safety and health of workers on hazardous, toxic, and radioactive sites. These OSHA standards are for both general industry, as well as the construction industry. They include requirements for training personnel who will be involved with hazardous waste site cleanup projects.
- U.S. EPA – The U.S. EPA promulgates the standards under the authority of RCRA, TSCA, and CERCLA, which define solid and hazardous waste management requirements. These standards also provide for the remedial investigations and actions to be completed to address hazardous waste releases. The U.S. EPA also regulates the standards of the CWA and CAA, which are defined in Section 3.2.2. The U.S. EPA's objectives are to protect the public and environment by establishing limits on pollutant concentrations in air, water, and soil environments.
- DOT – The DOT oversees transportation of goods and commerce over federal highway, air, railroad, and maritime routes. Specific DOT regulations apply to the packaging, labeling, and all intrastate and interstate shipment of hazardous wastes and mixed (radioactive and RCRA hazardous) waste.
- Department of Defense (DoD) and USACE – The U.S. Army is the DoD executive agent for managing the disposal of the majority of DoD radioactive waste (with the exception of the Navy's propulsion program), and overseeing the disposal and health and safety issues involving radioactive materials at DoD sites. Under the FUSRAP, USACE is responsible for the oversight of sites such as the Luckey Site.

3.2.4 State Regulatory Agencies

The State of Ohio agencies with regulations that may apply to removal actions at the Luckey Site include the Ohio Environmental Protection Agency (OEPA) and the Ohio Department of Health (ODH). Applicable regulations and standards related to remedial action are found in the Ohio Revised Code (ORC) and OAC.



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3.3 Summary of Applicable Requirements and Standards

Table 3-1 is a detailed list of the laws, rules, regulations, and standards North Wind Site Services will follow during project execution. This table summarizes the interpretation of ARARs applicable to the building deconstruction. Building deconstruction activities will adhere to all substantive regulatory requirements. However, administrative regulatory requirements such as waste staging and disposal time limits and U.S. EPA treatment permits do not apply. Table 3-1 specifically includes all laws and regulations from the U.S. EPA, OSHA, DOE, NRC, OEPA, and ODH related to various aspects of building deconstruction, transportation, disposal, and documentation activities to be performed. The table also includes references to the supporting work plans prepared for this project, as identified in Section 1 of this plan. These supporting work plans present the means and methods North Wind Site Services will use to conduct the remedial action in compliance with the applicable laws, regulations, and standards presented in this RCP.

Table 3-1 also includes the regulations and standards of the DOT regarding the transport and documentation of the waste generated by the remedial action. Specific regulations addressing radiation protection, handling, transportation, and disposal are applicable because of the nature of contamination identified in previous investigations and targeted for the remedial action. Regulations addressing hazardous material not defined as radioactive are relevant and appropriate because of the presence of these materials, as a result of former industrial activities at the site and due to the potential for small-scale releases associated with equipment used for excavation and transportation.

Table 3-2 lists the relevant USACE engineer manuals (EMs), engineer pamphlets (EPs), engineer regulations (ERs), and engineering circulars (ECs) applicable to hazardous, toxic, and radioactive waste (HTRW) sites and potentially applicable to the building deconstruction North Wind Site Services will complete at the Luckey Site. Table 3-2 also lists Unified Facilities Guide Specifications (UFGSs) and Corps of Engineers Buffalo District technical requirements that apply to North Wind Site Services' building deconstruction activities at the Luckey Site.



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Table 3-1. Potential Regulatory Requirements for Luckey Site Building Deconstruction

Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
FEDERAL:				
OSHA	Occupational Safety and Health Standards, General Industry	29 CFR 1910	<p>Specifies the health and safety requirements applicable to the conditions, practices, means, methods, and operations for general industry working conditions.</p> <p>Includes § 1910.120, “Hazardous Waste Operations and Emergency Response” (HAZWOPER), which sets forth training and safety requirements specific to CERCLA cleanup sites; uncontrolled hazardous waste sites; operations at transportation, storage, and disposal facilities; and emergency response to releases or threats thereof for hazardous waste.</p>	<p>Provides the general guidelines North Wind Site Services will follow for safe conduct of site work and worker protection (i.e., fall protection, personal protective equipment, heavy equipment operation, material handling and storage, use of tools, and electrical/fire safety).</p> <p>The APP/SSHP (USACE 2020f), provides an analysis of the site hazards and details North Wind Site Services’ established procedures for providing a safe and healthy working environment for personnel. There will be evidence that all demolition workers have attended a 40-hour course, which will include training on hazard communication. If any worker completed the 40-hour course more than 12 months before initial site mobilization, North Wind Site Services will provide evidence of an 8-hour</p>



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Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
				<p>refresher covering the period of initial site mobilization. An 8-hour refresher shall be completed every 12 months thereafter.</p> <p>Certificates documenting course attendance and medical fit-for-duty forms will be maintained on-site. The site superintendent will also have 8-hour supervisory training.</p> <p>If personal identifying information is collected in addressing this requirement, it will be protected in accordance with the Health Insurance Portability and Accountability Act.</p>
OSHA	Safety and Health Requirements for Construction	29 CFR 1926	Provides health and safety criteria similar to § 1910, but the § 1926 criteria are specific to the construction industry, pursuant to the “Contract Work Hours and Safety Standards Act” (40 USC § 333 et seq.).	Health and safety requirements under § 1926 will be followed at all times, including sanitation, housekeeping, first aid, electrical/fire safety, emergency action plans, material handling, personal protective equipment, tool use, and applicable construction safety training. See APP/SSHP (USACE 2020f).



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Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
OSHA	Recording and Reporting Occupational Injuries and Illnesses	29 CFR 1904	Provides the criteria and methodologies for determining, recording, and reporting work-related illnesses, injuries, and fatalities.	<p>North Wind Site Services will maintain records pursuant to § 1904 related to the Luckey Site.</p> <p>Records will be kept on-site at all times during remediation, and will include medical surveillance, training certifications, and accident investigation/reporting forms. Corporate data will also be made available for inspection by conspicuous placement of OSHA 300 logs.</p> <p>Following completion of the project, North Wind Site Services will maintain these records for at least three years in its corporate office records.</p> <p>If personal identifying information is collected in addressing this requirement, it will be protected in accordance with the Health Insurance Portability and Accountability Act.</p>



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Table 3-1. (continued)

Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
NRC	Notices, Instructions and Reports to Workers: Inspection and Investigations	10 CFR 19	Establishes requirements for notices, instructions, and reports to be provided by licensed employers to workers employed in radiological working conditions. Specifically, pursuant to §19.12, employers shall instruct employees in the areas of health protection, radioactive material storage and transfer, reporting requirements, and responsibilities related to radiological employment.	As discussed in the APP/SSHP (USACE 2020f) and RPP (USACE 2020h), all employees and subcontractors involved with on-site operations who might be exposed to radiological materials will have been trained in accordance with North Wind Site Services' Radiation Safety Program.
NRC	Standards for Protection Against Radiation	10 CFR 20	Applies to the decommissioning of facilities licensed under this chapter and release of part of a facility or site for unrestricted use, as well as other facilities subject to	10 CFR 20 was used to develop the cleanup criteria for the FUSRAP radiological COCs contained in the <i>Final Performance Work Statement, Building Deconstruction Luckey FUSRAP Site, Luckey, OH</i> (USACE 2020a) and also contained in the



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Table 3-1. (continued)

Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
			the Commission's jurisdiction under the AEA of 1954, as amended, and the Energy Reorganization Act of 1974, as amended.	<i>Luckey Record of Decision for Soils Operable Unit.</i>
NRC	Packaging and Transportation of Radioactive Material	10 CFR 71	Establishes requirements for packaging, preparation for shipment, and transportation of certain radioactive materials.	Debris from building deconstruction activities requiring off-site disposal might be regulated as a DOT Class 7 (radioactive) hazardous material. However, NRC specification packaging is not anticipated to be required based upon site knowledge of the nature and quantity of radioactive COCs.



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Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
U.S. EPA	National Primary and Secondary Ambient Air Quality Standards	40 CFR 50	Establishes numerical values for air pollutants that must be met at air emission sources for the respective pollutant. Specifically, § 50.6 establishes values for dust emissions (particulate matter (PM) 2.5 micrometers or less in diameter [PM _{2.5}]).	Dust suppression activities (e.g., water mist application in building deconstruction areas, waste handling areas, and haul roads) will be used to minimize dust at the site. Air monitoring to verify effectiveness will be performed during remediation as described in the APP/SSHP (USACE 2020f), the CCP (USACE 2020k), and the UFP QAPP SAP (USACE 2020i).
U.S. EPA	NESHAP	40 CFR 61	Identifies hazardous air pollutants and their application to stationary sources for those specific pollutants.	North Wind Site Services will implement dust suppression to minimize dust migration from both a radiological and chemical standpoint. North Wind Site Services will perform air monitoring to verify effectiveness during building deconstruction activities as described in the APP/SSHP (USACE 2020f), the CCP (USACE 2020k), and the UFP QAPP SAP (USACE 2020i).



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Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
U.S. EPA	Discharge of Oil	40 CFR 110	Establishes the definition of and reporting requirements for discharges of oil to navigable waters of the U.S. Oil discharges are defined as those which result in either a violation of applicable water quality standards, or cause a film or sheen upon surface water or adjoining shorelines.	North Wind Site Services will follow good housekeeping and materials management practices to prevent oil spills. Practices will include monitoring refueling operations, storing flammable fuels (gasoline cans) in approved storage lockers with secondary containment, having large quantities of diesel fuel for equipment delivered to the site rather than storage on-site, having site personnel at refueling locations at all times during on-site refueling, and using spill/drip pans. If spills occur, workers will follow emergency procedures established in Section 5 in the Spill Prevention, Control, and Countermeasure (SPCC) Plan (USACE 2020I), and National Response Center (800-424-8802) will be notified as required in § 110.6.



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Table 3-1. (continued)

Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
U.S. EPA	Used Oil	40 CFR 279	Specifies requirements for management and dispositioning of used oils.	Any used oils generated in the course of performing this scope of work will be managed in accordance with these standards.
U.S. EPA	Off-site Rule	40 CFR 300.440	Waste and materials contaminated with established site COCs under CERCLA may only be placed in a facility operating in compliance with RCRA or other applicable Federal and State requirements.	USACE will evaluate each treatment, storage, and disposal facility under the EPA off-site rule when waste or recyclable materials are proposed for dispositioning at off-site disposition path – prior to shipment off-site. This applies to materials found to be contaminated with Luckey site COCs (i.e., beryllium, lead, Ra-226, Th-230, U-234 and/or U-238). This standard does not apply to materials that are not contaminated with site COCs.
U.S. EPA	Designation of Hazardous Substances	40 CFR 116	Designates hazardous substances pursuant to the Clean Water Act, and applies to discharges of the substances listed in Table 116.4 of this Part.	Minor quantities of the listed chemicals (§ 116, Table 116.4) will be used in conjunction with building deconstruction activities. North Wind Site Services will use them to decontaminate field sampling equipment for select samples for



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Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
				chemical analysis. Limited quantities (less than 5 gal) will be stored on-site in locked cabinets approved for these chemicals. Final characterization of such wastes will include RCRA listed waste determinations to ensure proper waste handling, treatment, and disposal standards are met.
U.S. EPA	U.S. EPA Administered Permit Program: The National Pollutant Discharge Elimination System (NPDES)	40 CFR 122 and 40 CFR 123	Describes the NPDES program for approved and permitted discharges to waterways and delegates authority of the NPDES program to approved state programs for state-level management.	It is anticipated that contaminated wastewater will be discharged to the City of Toledo Publicly Owned Treatment Works facility. The site will meet the substantive requirements of the permit from the City of Toledo, including effluent discharge limits required by Ohio regulations. This will all be addressed in the WMP (USACE 2020c).
U.S. EPA	RCRA Hazardous Waste Management	40 CFR 260–265	Sets forth provisions, terms, and standards for generators, transporters, and owners/operators of treatment, storage, or disposal facilities	Building deconstruction activities may generate RCRA, TSCA, or mixed waste. Any items discovered will be segregated for further evaluation and characterization to support waste type



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Table 3-1. (continued)

Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
			with respect to hazardous waste.	determinations. Any hazardous or mixed waste will be managed in accordance with regulatory requirements. Administrative regulatory requirements, mainly time limitations, are not enforceable under this remedial action (e.g., 40 CFR hazardous waste and PCB waste time limits for treatment and/or disposal do not apply). The building deconstruction WMTDP (USACE 2020j) and UFP QAPP SAP (USACE 2020i) provide details for managing and characterizing hazardous and mixed waste streams.
U.S. EPA	Land Disposal Restrictions	40 CFR 268	Identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.	Land disposal restrictions under 40 CFR 268 will be met when applicable for any hazardous or mixed wastes identified. Alternative treatment standards for soil and hazardous debris will be applied as appropriate.



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Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
U.S. EPA	U.S. EPA Administered Permit Programs: The RCRA Hazardous Waste Permit Program	40 CFR 270	Establishes the permit regulations and provisions for the issuance of a Hazardous Waste Permit under Subtitle C of the Solid Waste Disposal Act (42 USC § 6901 et seq.) and covers basic U.S. EPA permitting requirements, such as application requirements, standard permit conditions, and monitoring and reporting requirements for treatment, storage, and/or disposal of RCRA hazardous waste.	It is not anticipated that any treatment of RCRA hazardous waste will occur on-site. However, on-site, self-performed treatment of hazardous and/or mixed waste without a treatment permit is afforded under this remedial action – should self-performing treatment to meet land disposal restrictions be the preferred option. North Wind Site Services will ensure that any off-site treatment, storage, and disposal facility(ies) will have the necessary operating permits, as discussed in the WMTDP (USACE 2020j).
U.S. EPA	Universal Waste	40 CFR 273	Describes standards for management of certain hazardous wastes as universal wastes under RCRA.	Any universal waste generated during building deconstruction will be managed in accordance with the standards under this part. The administrative time limit for requiring disposal of universal waste within one year does not apply to this remedial action.



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Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
U.S. EPA	National Oil and Hazardous Substances Pollution Contingency Plan	40 CFR 300	Establishes the NCP, whose purpose is to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants.	Under FUSRAP, the USACE is provided the authority to conduct remedial actions at sites where specific radionuclides from specific sources have been released. Building deconstruction activities will be performed consistent with the NCP and in accordance with the project work plans.
U.S. EPA	Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions	40 CFR 761	Regulated PCB Bulk Product waste may be discovered in the form of light ballasts and applied dried paints or mastic material.	Applicable standards/regulations for management of PCB waste will be met (e.g., packaging, postings, environmental controls). Administrative regulatory-driven time limits for waste staging and disposal do not apply under this remedial action.



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Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
U.S. EPA	Asbestos	40 CFR 763	This asbestos regulation establishes the training requirements of personnel performing inspections, sampling, analysis, assessments, response actions, O&M, periodic surveillance, management plans, along with record keeping, warning labels, waste disposal, and compliance/enforcement.	This project includes the removal of asbestos; therefore, all personnel performing air monitoring, assessments, analysis, and overseeing the abatement activities will be trained and certified pursuant to this and OEPA regulations.
DOT	Regulations governing the transportation of DOT-defined hazardous materials	49 CFR 171 to 174 and 49 CFR 177	List and classify those materials that DOT has designated as hazardous materials for purposes of transportation and prescribes the requirements for shipping papers, package marking, labeling, and transport vehicle placarding applicable to the shipment and transportation	Waste material could be classified as Class 7, Class 9, or unclassified/unregulated waste. If the waste material is determined to be Class 9 hazardous waste based on the reportable quantities in § 172.101, Table 2 to Appendix A, or by definition, then the requirements of these Parts would apply. Details of waste packaging, labeling, and handling are presented in the WMTDP



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Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
			of those hazardous materials. General requirements are provided, as well as those specific to carriage by rail (49 CFR 174) and public highway (49 CFR 177).	(USACE 2020j). Waste management activities will be overseen by the waste manager with documented training for radioactive waste packaging, transportation, and disposal in accordance with 49 CFR 172, Subpart H, Hazmat Employee Training. Shipping papers, laboratory data, and emergency contact information will be maintained with the shipments at all times.
DOT	Packaging	49 CFR 178, 49 CFR 173.410, 173.411, 173.421 through 173.431, 10 CFR 71	Prescribes the manufacturing and testing specifications for packaging and containers used for the transportation of hazardous materials in commerce.	Waste characterization results, as applicable, will be used to make DOT packaging and shipment determinations. Applicable 49 CFR–driven packaging standards will be met. There is no identified need for NRC specification packaging for radioactive fissile and type B quantities of radioactive materials – which have not been identified at the Luckey site.



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Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
STATE:				
OEPA	Water Quality Standards	OAC 3745-1	Sets provisions for the control of discharges through best available, demonstrated control technology relative to specific regulated pollutants.	Activities at the site are being conducted so as to ensure the implementation of best management practices that reduce the pollutants in stormwater discharges during construction and pollutants associated with post-construction activities. The WMP (USACE 2020c) and the SWPPP (USACE 2020d) provide details relative to these activities.
OEPA	Ambient Air Quality Standards	OAC 3745-25-02	Establishes numerical values for air pollutants that must be met at air emission sources for the respective pollutant.	Dust suppression activities (e.g., water mist application in excavations, waste handling areas, and haul roads) will be used to minimize dust at the site. Air monitoring to verify effectiveness will be performed during remediation as described in the APP/SSHP (USACE 2020f), the CCP (USACE 2020k), and the UFP QAPP SAP (USACE 2020i).



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Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
OEPA	Voluntary Action Program, Generic Numerical Standards and Property-Specific Risk Assessment Procedures	OAC 3745-300-08 and 09	Establishes numerical standards for hazardous substances and petroleum used to demonstrate compliance with applicable standards, provided the exposure scenario for the property comports with land use and activity patterns used to derive the generic numerical standard.	Provides standards for chemical contaminants in excavated soils that establish the use of such soils as place-back material, assuming that the soils meet other specified requirements. Soils may be excavated during utility locating activities. Excavated soils will be temporarily staged on liner and placed back into the excavation at the completion of the activity. (USACE 2020b).
OEPA	Rules for inspection and licensing of solid waste facilities	ORC 3734.02(P)(2)	The owner or operator of a solid waste facility shall not accept for transfer or disposal technologically enhanced, naturally occurring radioactive material (TENORM) if that material contains or is contaminated with radium-226, radium-228, or any combination of radium-226	The documented site history and data have led North Wind Site Services to determine that the source of radioactive contamination at the Luckey site is TENORM; therefore, a source-based waste disposition strategy is allowed under the State's recently promulgated regulations for landfill disposal and exemptions of TENORM-contaminated material. Working within the exemption-from-



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Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
			and radium-228 at concentrations equal to or greater than 5 picocuries per gram (pCi/g) above natural background.	licensure process will allow building debris and other materials with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations less than 5 pCi/g (plus background of 1.75 pCi/g) to be disposed of at a permitted solid waste disposal facility. This process is defined within the WMTDP (USACE 2020j).
OEPA	Asbestos Program	OAC 3745-20 & 22	Establishes standards for emissions control and licensing, certifications, and course management.	These regulations are pertinent to this project as they provide guidelines and requirements of asbestos abatement and demolition notifications, engineering controls during asbestos abatement work, training requirements for staff on this project, waste packaging, and disposal requirements.



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Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
ODH	Radiation Control	OAC 3701:1-38	Establishes standards for protection against ionizing radiation.	Provides general guidelines North Wind Site Services will follow for the protection of workers and the public against the effect of ionizing radiation. Actions are discussed in the APP/SSHP (USACE 2020f) and RPP (USACE 2020h), in terms of employees and subcontractors involved with on-site operations who might be exposed to radiological materials, and the waste handling processes defined within the WMTDP (USACE 2020j).
ODH	Radiation Control – Notices, Instructions, and Reports to Workers	OAC 3701:1-38-10	Establishes requirements for notices, instructions, and reports to be provided by licensed employers to workers employed in radiological working conditions.	As discussed in the APP/SSHP (USACE 2020f) and RPP (USACE 2020h), all employees and subcontractors involved with on-site operations who might be exposed to radiological materials will have been trained in accordance with North Wind Site Services’ Radiation Safety Program and will be provided with proper posting and reporting relative to exposures.



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Table 3-1. (continued)

Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
ODH	Radiation Protection Standards for TENORM	OAC 3701:1-43	Establishes radiation protection standards for TENORM, including the possession, use, processing, manufacture, distribution, transfer, and disposal of TENORM.	The documented site history and data have led North Wind Site Services to determine that the source of radioactive contamination at the Luckey site is TENORM; therefore, a source-based waste disposition strategy is allowed under the State’s recently promulgated regulations for landfill disposal and exemptions of TENORM-contaminated material. Working within the exemption-from-licensure process will allow debris and other materials with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations less than 5 pCi/g (plus background of 1.75 pCi/g) to be disposed of at a permitted solid waste disposal facility. This process is defined within the WMTDP (USACE 2020j).



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Table 3-1. (continued)

Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
ODH	Packaging and Transportation of Radioactive Material	OAC 3701:1-50	Establishes requirements for packaging, preparation for shipment, and transportation of radioactive material.	Details of waste packaging, labeling, and handling are presented in the WMTDP (USACE 2020j).
ODH	Radiation Control Program	ORC 3748	Authorizes the ODH to be the radiation control agency for the State of Ohio, including the development and implementation of programs for the control of sources of radiation. One aspect of this program relates to the disposal of radioactive waste, including waste classified as TENORM.	Based on documented site history and data, North Wind Site Services has determined that the source of radioactive contamination at the Luckey site is TENORM; therefore, a source-based waste disposition strategy is allowed under the State's regulations for landfill disposal and exemptions of TENORM-contaminated material. Working within the exemption-from-licensure process will allow debris and other materials with concentrations of radium-226 less than 5 pCi/g (plus background of 1.75 pCi/g) to be disposed of at a permitted solid waste disposal facility. This process is defined in the WMTDP.



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Table 3-1. (continued)

Agency	Regulation, Standard Requirement, Criteria	Citation or Reference	Description	Application to Site
OEPA	Water pollution and sludge management violations prohibited	ORC 6111.04	Sets provisions for the control of discharges through best available, demonstrated control technology relative to specific, regulated pollutants.	Activities at the site are being conducted in a manner to ensure the implementation of best management practices that reduce the pollutants in stormwater discharges during construction and pollutants associated with post-construction activities. The WMP (USACE 2020c) and the SWPPP (USACE 2020d) provide details relative to these activities.



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Table 3-2. USACE Guidance Documents for HTRW Sites

USACE Document Number	Document Title
ENGINEER MANUALS:	
EM 200-1-3	<i>Requirements for the Preparation of Sampling and Analysis Plans</i>
EM 200-1-6	<i>Chemical Quality Assurance for HTRW Projects</i>
EM 385-1-1	<i>Safety and Health Requirements Manual</i>
EM 385-1-80	<i>Radiation Protection Manual</i>
EM 1110-1-1005	<i>Control and Topographic Surveying</i>
EM 1110-1-4000	<i>Monitoring Well Design, Installation, and Documentation at Hazardous, Toxic, and Radioactive Waste Sites</i>
ENGINEER PAMPHLETS:	
EP 200-1-1	<i>Process and Procedures for Shipping Hazardous Wastes and Other Hazardous Materials</i>
EP 310-1-6a and 6b	<i>Sign Standards Manual</i>
EP 415-1-266	<i>Resident Engineering Management Guide for Hazardous, Toxic, and Radioactive Waste (HTRW) Projects</i>
EP 1110-1-33	<i>Spill Reporting Procedures for USACE Hazardous, Toxic and Radioactive Waste Projects</i>
EP 1110-1-23	<i>Asbestos Abatement Air Monitoring – Standard Scope of Work</i>
ENGINEER REGULATIONS:	
ER 200-1-7	<i>Chemical Data Quality Management for Environmental Restoration Activities</i>
ER 385-1-80	<i>Ionizing Radiation Protection</i>
ER 385-1-92	<i>Safety and Occupational Health Requirements for Hazardous, Toxic, and Radioactive Waste (HTRW) Activities</i>
ER 385-1-99	<i>USACE Accident Investigation and Reporting</i>
ENGINEERING CIRCULARS:	
EC 200-1-3	<i>Off-Site Disposal of Materials from Formerly Utilized Sites Remedial Action Program</i>
UNIFIED FACILITIES GUIDE SPECIFICATIONS:	
UFGS Section 01 01 01	<i>Real Estate</i>



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Table 3-2. (continued)

USACE Document Number	Document Title
UFGS Section 01 32 01.00 10	<i>Project Schedule</i>
UFGS Section 01 33 00	<i>Submittal Procedures</i>
UFGS Section 01 35 13.43 10	<i>Special Project Procedures</i>
UFGS Section 01 35 26	<i>Governmental Safety Requirements</i>
UFGS Section 01 35 29.13	<i>Health Safety & Emergency Response Procedures for Contaminated Sites</i>
UFGS Section 01 35 45	<i>Chemical Data Quality Control</i>
UFGS Section 01 45 00.00 10	<i>Quality Control</i>
UFGS Section 01 45 00.15 10	<i>Resident Management System Contractor Mode (RMS CM)</i>
UFGS Section 01 50 00	<i>Temporary Construction Facilities and Controls</i>
UFGS Section 01 57 23	<i>Temporary Storm Water Pollution Control</i>
UFGS Section 01 58 00	<i>Project Identification</i>
UFGS Section 02 32 00	<i>Subsurface Drilling, Sampling, and Testing</i>
UFGS Section 02 41 00	<i>Deconstruction</i>
UFGS Section 02 81 00	<i>Transportation and Disposal of Hazardous Materials</i>
UFGS Section 02 82 00	<i>Asbestos Remediation</i>
UFGS Section 02 83 00	<i>Lead Remediation</i>



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USACE Document Number	Document Title
UFGS Section 02 84 33	<i>Removal and Disposal of Polychlorinated Biphenyls (PCBs)</i>
UFGS Section 31 11 00	<i>Clearing and Grubbing</i>
UFGS Section 32 92 19	<i>Seeding</i>
UFGS Section 33 51 39	<i>Monitoring Wells</i>

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