

APPENDIX B – POTENTIAL ARARs

**FINAL FEASIBILITY STUDY REPORT
CASMALIA RESOURCES SUPERFUND SITE
CASMALIA, CALIFORNIA**

PREPARED BY: URS

LIST OF TABLES

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Standard / Requirement	Citation	Action / Media	Description	Status / Preliminary Determination	Comments
CHEMICAL-SPECIFIC ARARs					
Air Quality					
Santa Barbara APCD Rules					
Visible Emissions	Rule 302	Air / Onsite Construction	Establishes limits on visible emissions of air contaminants into the atmosphere.	Applicable	
Nuisance	Rule 303	Air / Onsite Construction	Prohibits discharges of air contaminants or other material in violation of Health & Safety Code § 41700 in quantities that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public; or that endanger the comfort, repose, health or safety of such persons or the public; or that cause or have a natural tendency to cause injury or damage to business or property.	Applicable	
Particulate Matter	Rule 304	Air / Onsite Construction	Prohibits discharges into the atmosphere of particulate matter in excess of 0.3 grain per cubic foot.	Applicable	
New Source Review	Regulation VIII, Rule 803	Air / Onsite Construction	This regulation includes requirements that new sources of air emissions must meet.	Relevant & Appropriate	Substantive standards only.
Water Quality					
Federal Clean Water Act / California Water Code / SWRCB Regulations / RWQCB					

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Maximum Contaminant Levels (MCLs)	42 USC § 300f et seq.; 40 CF§ §§ 141.50-141.52; EPA Region IX Drinking Water Standards & Health Advisory Table, February 2000.	Groundwater	National primary drinking water standards.	Relevant & Appropriate	Relevant & appropriate for in-situ groundwater
Soils, Waste Delineation & Management					
Toxic Substances Control Act (TSCA), 15 USC §§2601-2692; 40 CFR §§761.50-761.79	Establishes means for storage and disposal of material contaminated with polychlorinated biphenyls (PCBs) of concentrations of 50 ppm or greater.	Disposal of PCBs / Onsite reconsolidation (e.g., PCB landfill)	Applicable to storage and disposal of waste materials containing >50ppm.	Applicable	Substantive requirements only.
Other Federal Criteria, Advisories, and Guidance to be Considered (TBC)					
EPA Groundwater Classification System; Office of Groundwater Protection			Three classifications for groundwater based on ecological importance, replaceability, and vulnerability. Considered a statement of EPA policy for setting remediation goals.	To Be Considered (TBC)	
EPA Secondary MCLs		Groundwater	Secondary drinking water standards; proposed	To Be	

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and Proposed MCLs			MCLs. Proposed MCLs considered for groundwater in the absence of a federal or state MCL.	Considered (TBC)	
Applied Action Levels		Groundwater	Air and water guidelines used to evaluate the risk a site poses to certain biologic receptors. Considered for groundwater.	To Be Considered (TBC)	
ACTION-SPECIFIC ARARs					
WASTE MANAGEMENT/LANDFILL CLOSURE					
California Hazardous Waste Control Act / DTSC Regulations					Final selection of ARAR will depend on determination of whether the federal or state standard is more stringent. The state standard is an ARAR only if it is more stringent than the federal requirement.
Hazardous Waste Identification	40 CFR §§ 261.10, 22 CCR 261.10; 22	Multi-media	Criteria for identifying hazardous waste. Applicable if hazardous waste is encountered during implementation of response actions at the Site.	Applicable	
Hazardous Waste Generation	40 CFR 262.10, 22 CCR §§ 66262.10 -		Provides standards applicable to generators of hazardous waste. 262.10 determines which standards apply to generators. May be applicable if hazardous waste is generated during implementation of response actions at the Site. Particular provisions are described below.	Applicable	Substantive standards only.

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Hazardous Waste Determination	40 CFR 262.11, 22 CCR § 66262.11	Multi-media	Provides method of determining whether a waste is a hazardous waste.	Applicable	
Waste Manifesting	40 CFR 262.23, 22 CCR § 66262.23;		Provides requirements for use of a hazardous waste manifest. Applicable if hazardous waste will be transported off-Site.	Applicable	
Pre-Transport Requirements	40 CFR 262.30-34; 22 CCR 66262.30 - 66262.34	Multi-media	Provides requirements for packaging, labeling, marking, placarding, and permissible accumulation time before transporting hazardous waste off-Site.	Applicable	
Applicability of General Facility Standards	40 CFR 265.10; 22 CCR § 66265.10	Multi-media	Provides that the regulations in Subpart B (40 CFR 265.10-19; Article 2 (General Facility Standards, §§ 66265.10 - 66265.25) apply to owners and operators of hazardous waste facilities.	Applicable	
General Waste Analysis	40 CFR 262.13; 22 CCR § 66265.13	Multi-media	Provides standards for obtaining analyses of hazardous waste before transferring, treating, storing or disposing of such waste.	Applicable	
Security	40 CFR 262.14; 22 CCR § 66265.14	Multi-media	Provides standards for prevention of unknowing entry or unauthorized entry of persons or livestock.	Applicable	
Ignitable, Reactive and Incompatible Wastes	40 CFR 265.17; 22 CCR § 66265.17	Multi-media	Provides standards to prevent accidental ignition or reaction of ignitable, reactive or incompatible wastes. Applicable if such wastes are encountered during implementation of response actions at the Site.	Applicable	
Construction Quality Assurance	40 CFR 265.19; 22 CCR § 66265.19	Multi-media	Provides standards for Construction Quality Assurance Programs.	Applicable	Substantive requirements only.
Seismic and Precipitation Design Standards	22 CCR § 66265.25	Multi-media	Provides that all cover systems required by Chapter 15 (<i>i.e.</i> , § 66265.1 et seq.) and all containment and control features that will remain after closure must be designed, constructed and maintained to withstand the maximum credible earthquake without any decrease in the level of	Applicable	

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			public health and environmental protection afforded by the original design.		
General Closure Standard	40 CFR 265.110; 22 CCR § 66265.110	Multi-media	Provides that Sections 66265.111-.115 (closure) and Sections 66265.116-.120 (post-closure) apply to owners and operators of all hazardous waste facilities. (Sections identified as potential ARARs below).	Relevant and Appropriate	Substantive requirements only.
Landfill Closure Construction	40 CFR 265.111; 22 CCR § 66265.111	Multi-media	Provides that the owner or operator must close the facility in a manner that:	Relevant and Appropriate	Substantive requirements only.
			· Minimizes the need for further maintenance, and		
			· Controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated rainfall or run-off, or waste decomposition products to the ground or surface water or to the atmosphere.		
Disposal/ Decontamination	40 CFR 265.114; 22 CCR § 66265.114	Multi-media	Provides that during the partial and final closure periods, all contaminated equipment, structures and soil must be properly disposed of or decontaminated by removing all hazardous waste and residues, except as otherwise specified. Applicable if implementation of response actions at the Site involves hazardous waste-contaminated equipment, structures or soil.	Relevant and Appropriate	
Landfill Closure Construction	40 CFR 265. 310 (a), (b); 22 CCR §§ 66265.310(a), (c) and (d)	Multi-media	Provides performance standards for design and construction of landfill final covers.	Relevant and Appropriate	Applies to owner/operators

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Landfill Post-Closure Care	22 CCR §§ 66265.310(b) and (e)	Multi-media	Provides requirements for post-closure care of landfills.	Relevant and Appropriate	Applies to owner/operators
California Hazardous Waste Control Act / DTSC Regulations					
Surface Impoundment Closure and Post-Closure Care Standard	40 CFR 265.228; 22 CCR § 66265.228	Soils, contaminated soils, waste materials	(a) At closure, the owner or operator shall: (1) remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless Section 66261.3(d) applies, or (2) close the impoundment and provide post-closure care as specified. (b) Sets forth requirements for maintaining and protecting the final cover and maintaining and monitoring groundwater monitoring systems and leak detection systems when wastes, waste materials or contaminated material will remain after closure.	Relevant and Appropriate	
Waste Pile Closure and Post-Closure Care Standard	40 CFR 265.258; 22 CCR § 66265.258	Soils, contaminated soils, waste materials	(a) At closure, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless Section 66261.3(d) applies, or (b) if after reasonable efforts to remove and decontaminate not all subsoils can be practicably removed or decontaminated, close facility and perform post-closure care as specified.	Relevant and Appropriate	

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Tank System Closure and Post-Closure Care Standard	40 CFR 265.197; 22 CCR § 66265.197		(a) At closure of a tank system, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless Section 66261.3(d) applies, or (b) if not all contaminated soils can be practicably removed or decontaminated, close the tank system and perform post-closure care as specified.	Relevant and Appropriate	Substantive requirements only.
Corrective Action Waste Management Units (CAMU)	40 CFR 264.552, 553; 22 CCR, 66264.552, 66264.553	Soils, contaminated soils, waste materials	Establishes that consolidation and placement into a corrective action management unit of remediation wastes generated as part of a corrective action do not constitute placement or land disposal of hazardous waste. Prohibits creation of an unacceptable risk to humans and the environment resulting from exposure. Establishes closure and other requirements for temporary tank and container storage.	Relevant & Appropriate	Substantive requirements only.
Standards for Tanks Not Regulated under Hazardous Waste Facility Permit or Interim Status	40 CFR 265.190-201; 22 CCR § 67383.1 -.5	Tank Systems	Provide minimum standards for the management of all underground and aboveground tank systems that held hazardous waste or hazardous materials, and are to be disposed, reclaimed or closed in place, except as provided in 22 CCR Section 67383.1 (b), (c) and (d). These standards do not apply to tank systems regulated under a hazardous waste facility permit, other than a permit by rule, or to tank systems regulated under a grant of interim status.	Relevant and Appropriate	Substantive requirements only.

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Underground Storage of Hazardous Substances	40 CFR 265.190-201; H&S Code §§ 25280-25299.6 and regulations specified below				
Permanent Closure Requirements for USTs	40 CFR 265.190-201; 23 CCR § 2672(b), (c)		Owners or operators of underground storage tanks (USTs) for storage of hazardous waste shall comply with applicable provisions of Hazardous Waste Control Act (H&S Code § 25100 et seq.) and requirements listed in § 2672(b). Where tanks are approved to be closed in place, must also comply with applicable provisions of underground storage tank law (H&S Code § 25280 et seq.) and requirements listed in § 2672(c).	Relevant and Appropriate	Substantive requirements only.
Santa Barbara County Standards for Destruction or Inactivation of Wells	Santa Barbara County Code Chap. 34A, Section 34A-1 , 2, 11, 12, 13, and Cal. Dept. of Water Resources (DWR) Bulletin Nos. 74-81 and 74-90		Section 34A-5 provides that the standards for destruction or inactivation of wells (including injection wells and monitoring wells) are set forth in DWR Bulletin No. 74-81 (Water Well Standards), as supplemented by Bulletin No. 74-90.	Applicable.	Substantive requirements only.
Waste Management Units - General Closure Requirements	23 CCR §§ 2580(a), (b) and (d)		Section 2580 provides that waste management units must be closed according to an approved closure and post-closure maintenance plan that provides for continued compliance with applicable standards for waste containment and precipitation and drainage controls in Article 4 and the monitoring program requirements in Article 5.	Relevant and Appropriate	Substantive requirements only.
Final Cover –	23 CCR § 2580(e)		Subsection (e) of Section 2580 provides that	Relevant and	Substantive

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Vegetation Requirements			vegetation must not impair the integrity of the final cover.	Appropriate	requirements only.
WATER QUALITY					
Compliance with Clean Water Act	Federal Water Pollution Control Act, 33 U.S.C. 1251, et seq.; Cal. Water Code § 13370 et seq.		Federal law requires compliance with the federal Clean Water Act requirements for point source surface water discharges. State law also requires compliance.	Applicable	Federal law is ARAR where state law is not more stringent. Substantive requirements only.
Safe Drinking Water Act; MCLs	Safety of Public Water Systems, 42 U.S.C. 300f –g, h; 22 CCR Sections 64431, 64439, and 64444		Establishes maximum contaminant levels for public water supply systems. Relevant and appropriate for aquifers that are current or potential public or private supply sources.	Relevant & Appropriate	Federal law is ARAR unless specific California MCLs are more stringent than federal MCLs.
State Water Resources Control Board (SWRCB) "Statement of Policy with Respect to Maintaining High Quality of Waters in California" (Anti-Degradation Policy)	SWRCB Resolution No. 68-16, set forth at Central Coast Regional Water Quality Control Board (RWQCB) Water Quality Control Plan (Basin Plan), Appendix A-2		Policy requiring maintenance of existing water quality unless demonstrated that the change is consistent with maximum benefit to the people of the State, will not unreasonably affect present or anticipated beneficial uses, and will not result in water quality less than what is prescribed by other state policies.	Applicable	Applies if any action would degrade water quality.
SWRCB "Sources of Drinking Water" Policy	SWRCB Resolution No. 88-63, set forth at Central Coast RWQCB Basin Plan, Appendix A-9		Statement of policy that surface waters and ground waters of the State are considered to be suitable, or potentially suitable, for municipal or domestic water supply except under specified circumstances.	Applicable	

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SWRCB "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304	SWRCB Resolution No. 92-49	State-wide Policy, adopted by SWRCB under California Water Code Sections 13140 and 13307, approved by Office of Administrative Law	Statement of Policies and Procedures for investigation and cleanup of groundwater	To be Decided	
Porter-Cologne Water Quality Act	Water Code §§ 13260-13269		Establishes that nearly all groundwater and surface water are considered suitable, or potentially suitable, for municipal or domestic water supply.	Applicable	
Water Quality Monitoring and Response Programs for Waste Management Units	23 CCR Div. 3, Ch. 15 as specified below				
Precipitation and Drainage Controls	23 CCR § 2546		Provides performance standards related to precipitation and drainage controls for design and construction of containment structures and cover materials.	Relevant & Appropriate	Substantive Requirements Only
Seismic Design Standards	23 CCR § 2547		Provides that Class I waste management units (e.g., including landfills) must be designed to withstand the maximum credible earthquake without damage to the foundation or structures, which control leachate, surface drainage, erosion or gas.	Relevant & Appropriate	Substantive Requirements Only.
Water Quality Monitoring and	23 CCR §§ 2550.10(a), (b),			Relevant and Appropriate	Substantive Requirements only.

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Response Programs for Waste Management Units – Corrective Action	(d), and (g)(1)				
Central Coast RWQCB Water Quality Control Plan (September 1994, as amended April 1995) (Basin Plan)			<u>General WQOs for groundwater:</u> Shall not contain taste or odor producing substances in concentrations that adversely affect beneficial uses.	Relevant and Appropriate	
			<u>Municipal and domestic supply groundwater:</u> Shall not contain organic chemicals in excess of the limiting concentrations in 22 CCR § 64444 [as renumbered] and listed in Table 3.1 of Basin Plan, and shall not contain concentrations of chemical constituents in excess of limits in 22 CCR § 64431 [as renumbered] (MCLs).	Relevant and Appropriate	
			<u>Agricultural supply groundwater:</u> Shall not contain constituents “in amounts that adversely affect such beneficial uses.” Table 3.3 identifies adverse effects guidelines. No “controllable water quality factor” shall degrade the quality of any ground water resource or adversely affect long-term soil productivity.	Relevant and appropriate	
			<u>Groundwater Management Principle:</u> “Wastewaters percolated into groundwater shall be of such quality at the point where they enter the ground so as to assure the continued usability of all groundwaters of the basin.”	Relevant & Appropriate	
			<u>Discharge Prohibitions:</u> Wastes discharged to ground waters shall be free of toxic substances in	Applicable.	

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			excess of accepted drinking water standards; taste, odor, or color producing substances; and specified nitrogen compounds.		
			<u>Beneficial Uses of Surface Water in the San Antonio Hydrologic Unit , Table 2-1, Sec. 11-12:</u> Defines beneficial uses for surface waters at the Casmalia Canyon and Shuman Canyon Creeks as: municipal/ domestic supply; agricultural supply; water contact recreation; non-contact water recreation; wildlife habitat; warm fresh water habitat; spawning, reproduction, and/or early development; and commercial and sport fishing.	Relevant and Appropriate	
General Permit for Storm Water Discharges Associated with Construction Activity	SWRCB Order No. 99-08-DWQ		Sets forth NPDES requirements for storm water runoff from certain construction activities that disturb land equal to one (1) acre or more. Includes substantive requirements for developing and implementing a storm water pollution prevention plan and performing monitoring of storm water discharges.	Relevant and Appropriate	Substantive requirements only.
LOCATION-SPECIFIC ARARs					
ENDANGERED SPECIES AND MIGRATORY BIRDS					
U.S. Fish and Wildlife Service					
Federal Endangered Species Act (ESA)	16 USC §§ 1531-1544	Sitewide	Federal requirements governing endangered and threatened species. Section 1538 (Prohibited Acts) will be considered as a potential ARAR during the FS if any of the remedial alternatives being evaluated may be expected to adversely affect threatened or endangered species. Pursuant to 50 C.F.R. § 402.14(b), EPA need not initiate formal consultation if, as a result of informal consultation	Applicable	

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			or preparing a biological assessment, EPA determines (with the written concurrence of the U.S. Fish & Wildlife Service) that the response action is not likely to adversely affect listed species.		
California Fish and Game Code (F&GC)					
Diversion of / Changes to Streams	F&GC § 1603	Surface water	Prohibits the substantial diversion or obstruction of the natural flow or substantial changes to the bed, channel, or bank of any river, stream or lake designated by the Department of Fish & Game, or the use of any material from the streambeds, without first notifying the Department and otherwise complying with the statute.	Applicable	Substantive only.
Rare/Endangered Native Plants	F&GC § 1908	Sitewide	Prohibits the taking of a rare or endangered native plants.	Relevant and Appropriate	Substantive provisions only.
Migratory Bird Treaty Act	16 U.S.C. § 703-712	Onsite Ponds	Establishes protections for migratory birds at the site.	Applicable	Substantive provisions only.
Bald and Golden Eagle Act	16 U.S.C. § 668(a)	Sitewide	Establishes protections for bald and golden eagles.	Applicable	Substantive provisions only.
	14 CCR § 472 and § 475		Describe the exceptions to the prohibition on the take of nongame birds and mammals, and exceptions to the manner in which nongame birds and mammals may be taken.	Relevant and Appropriate	Substantive provisions only.
Endangered or Threatened Species	F&G Code 2080	Onsite Ponds	Prohibits import, export, take, possession, purchase or sale of any endangered or threatened species	Relevant and Appropriate for "take" provision only	Substantive provisions only.
Fully Protected	F&G Code 4700	Sitewide	Prohibits the take of any fully protected animal,	Relevant and	Substantive provisions

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Animals			including the ring-tailed cat	Appropriate for "take" provision only	only.
Mountain Lions	F&G Code 4800	Sitewide	Prohibits the take, injury, possession, transport, import or sale of any mountain lion	Relevant and appropriate for "take" and "injure" provisions only	Substantive provisions only.
INSTITUTIONAL CONTROLS*					
DTSC Requirements for Land Use Covenants	22 CCR §67391.1	Sitewide, Land Use Covenants	Provides standards for implementation of land use covenants where hazardous materials will remain onsite	Relevant and appropriate	Substantive provisions only, specifically subsections (a)(2), (d), (e), (f) and (i)
					* <u>Note</u> : California Civil Code Section 1471 is California's implementing statute for the recording of land use covenants that run with the land.