Section 10. Potential Applicable or Relevant and Appropriate Requirements

Section 121(d)(l) of CERCLA states that remedial actions on CERCLA sites must attain (or the decision document must justify the waiver of) any ARARs, which include environmental regulations, standards, criteria, or limitations promulgated under federal or more stringent state laws. An ARAR may be either applicable or relevant and appropriate, but not both. The NCP (40 CFR Section 300.5) definition of applicable and relevant and appropriate is presented below:

> Applicable requirements mean 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.
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> Relevant and appropriate requirements mean 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.

To qualify as a state ARAR under CERCLA and the NCP, a state requirement must be: 1) a standard, requirement, criterion, or limitation under a state environmental or facility siting law; 2) promulgated (of general applicability and legally enforceable); 3) substantive (not procedural or administrative); 4) more stringent than the federal requirement; 5) identified by the state in a timely manner; and 6) consistently applied.

Section 121(e) of CERCLA exempts any response action conducted entirely on site from having to obtain a federal, state, or local permit when the action is carried out in compliance with Section 121. In general, on-site actions need only comply with the substantive aspects of ARARs, not with the corresponding administrative procedures, such as administrative reviews and recording and record-keeping requirements. Off-site actions must comply with all legally applicable requirements, both substantive and administrative.

ARAR identification considers a number of site-specific factors including potential remedial actions, compounds at the site, site physical characteristics, and the site location. ARARs are usually divided into three categories: chemical-specific, location-specific, and action-specific.

EPA guidance (EPA, 1988a) recommends that the lead federal agency consult with the state when identifying state ARARs for remedial actions. CERCLA and NCP requirements (40 CFR Section 300.515) for remedial actions state that the lead federal agency will request that the state identify chemical- and location-specific state ARARs after completion of site characterization. The requirements also provide that the lead federal agency request identification of all categories of state ARARs (chemical-, location-, and action-specific) upon completion of identification of remedial alternatives for detailed analysis. Identification of potential state ARARs was initiated through Navy requests to DTSC, RWQCB, and San Francisco Bay Conservation and Development Commission.

This section addresses potential ARARs for CERCLA hazardous substances with the exception of radionuclides. Potential ARARs for radiological contamination will be addressed in a radiological addendum to the RI/FS. Both chemical and radiological contaminants will then be addressed together in the proposed plan and the ROD.

This section summarizes potential federal and State of California ARARs for Parcel E-2. Subsection 10.1 discusses potential chemical-specific ARARs, Subsection 10.2 discusses potential location-specific ARARs, and Subsection 10.3 discusses potential action-specific ARARs. Appendix N presents the complete ARARs evaluation.

10.1. POTENTIAL CHEMICAL-SPECIFIC ARARS

Chemical-specific ARARs are health- or risk-based numerical values or methodologies that, when applied to site-specific conditions, result in the establishment of numerical cleanup values. These values are protective of human health and the environment and establish the acceptable amount or concentration of a chemical that may be found in or discharged to the ambient environment.

For Parcel E-2, the potential media of concern are groundwater, soil, and air. This section summarizes the chemical specific ARARs for these media.

10.1.1. Groundwater

Because groundwater may have been affected by the Landfill, the Navy is continuing groundwater monitoring at Parcel E-2. The potential ARARs for groundwater monitoring include:

- 40 CFR §§ 141.11 (excluding § 141.11[d][3]), 141.13, 141.15, 141.16, 141.61(a) and (c), and 141.62(b). MCLs identified in these sections are potential ARARs for the following scenarios: 1) complete “clean closure” involving excavation of the Parcel E-2 Landfill and adjacent areas, for which MCLs are potential federal ARARs for groundwater in the B-aquifer throughout Parcel E-2; and 2) containment of in place waste within the Parcel E-2 Landfill and adjacent areas, for which MCLs are potential federal ARARs for groundwater in portions of the B-aquifer downgradient of the point of compliance.

- Title 22 California Code of Regulations (22 CCR) §§ 66264.94 (a)(1), (a)(3), (c), (d), and (e). This section is relevant for achieving the lowest concentration limit in the A-aquifer based on unacceptable risk from the vapor intrusion pathway. These potential ARARs pertain to the following scenarios: 1) complete "clean closure" involving excavation of the Parcel E-2 Landfill and adjacent areas, for which concentration limits based on unacceptable risk from the vapor intrusion pathway are potential federal ARARs for groundwater in the A-aquifer throughout Parcel E-2 (with the exception of the small northwest portion of the A-aquifer where the Bay Mud confining unit or aquitard does not separate the A-aquifer from the uppermost B-aquifer); and 2) containment of in place waste within the Parcel E-2 Landfill and adjacent areas, for which concentration limits based on unacceptable risk from the vapor intrusion pathway are potential federal ARARs for groundwater in portions of the A-aquifer downgradient of the point of compliance.
- California Water Code, Division 7 §§ 13241, 13243, 13263(a), 13269, and 13360. The Navy accepts the substantive provisions of these sections as enabling legislation as implemented through the beneficial uses, WQOs, waste discharge requirements, promulgated policies of the Comprehensive Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin.
- The Navy accepts the substantive provisions for groundwater relating to beneficial uses, water quality objectives, waste discharge requirements, and promulgated policies in Chapters 2 and 3 of the San Francisco Bay Basin Plan, which incorporates SWRCB Resolution 88-63.
- SWRCB, Resolution 88-63. This requirement indicates that A-aquifer groundwater at HPS is not a potential drinking water source, and that B-aquifer groundwater has a moderate potential for use as a drinking water source.
- 22 CCR, §§ 64431 and 64444. State MCLs identified in these sections are potential ARARs for the following scenarios: 1) complete "clean closure" involving excavation of the Parcel E-2 Landfill and adjacent areas, for which MCLs are potential state ARARs for groundwater in the B-aquifer throughout Parcel E-2; and 2) containment of in place waste within the Parcel E-2 Landfill and adjacent areas, for which MCLs are potential state ARARs for groundwater in portions of the B-aquifer downgradient of the point of compliance.
- 22 CCR, § 64449(a). State secondary MCLs identified in this section are potential ARARs for the following scenarios: 1) complete "clean closure" involving excavation of the Parcel E-2 Landfill and adjacent areas, for which MCLs are potential state ARARs for groundwater in the B-aquifer throughout Parcel E-2; and 2) containment of in place waste within the Parcel E-2 Landfill and adjacent areas, for which MCLs are potential state ARARs for groundwater in portions of the B-aquifer downgradient of the point of compliance.

10.1.2. Surface Water

Because affected groundwater may have been affected by the Landfill, the Navy is continuing groundwater monitoring at Parcel E-2. The monitoring results will determine if groundwater cleanup will be required. If groundwater cleanup is required, the potential ARARs for groundwater will include:

- 40 CFR § 131.38. These standards, known as the California Toxics Rule (CTR), are applicable surface water ARARs because groundwater discharges from Parcel E-2 to the Bay.

- Table 3-3 of the San Francisco Bay Basin Plan. The RWQCB promulgated these water quality objectives for toxic pollutants in surface water with salinities greater than 5 parts per thousand (ppt).

10.1.3. Soil

The potential chemical-specific ARARs for the soil, sediment, and waste pertain to characterizing any waste generated in implementing various alternatives for off-site disposal, such as excavation and off-site disposal of soil. The ARARs for soil include:

- 22 CCR §§ 66261.21, 66261.22(a)(1), 66261.23, 66261.24(a)(1), and 66261.100. These sections define RCRA hazardous waste.
- 22 CCR §§ 66261.22(a)(3), (a)(4), 66261.24(a)(2)-(a)(8), 66261.101, 66261.3(a)(2)(C), and (a)(2)(F). These sections define non-RCRA hazardous waste.
- 27 CCR §§ 20210 and 20220. These sections define designated waste and nonhazardous waste.

In addition, the ARARs for soil pertain to subsurface methane being produced in the Landfill. The SWRCB and the California Integrated Waste Management Board (CIWMB) require that the release of methane gas from the Landfill be controlled under 27 CCR § 20921(a), which set limits for methane gas within on-site structures (1.25 percent by volume), and at the facility property boundary (5 percent by volume in air).

10.2. POTENTIAL LOCATION-SPECIFIC ARARS

This section discusses potential location-specific ARARs based on various attributes of Parcel E-2's location (such as its location in a coastal zone). Location-specific ARARs are restrictions placed on the concentrations of hazardous substances or the conduct of activities based on site characteristics or the site's immediate environment. The location-specific ARARs applicable to Parcel E-2 are the coastal resources (Section 10.2.1), wetlands protection and flood plains management (Section 10.2.2), and biological resources (Section 10.2.3).

10.2.1. Coastal Resources

Portions of HPS Parcel E-2 are in the coastal zone. There are potential federal and state location-specific ARARs for the coastal zone, including:

- Coastal Zone Management Act (CZMA); Title 16 United States Code (16 USC) § 1456(c) and Title 15 Code of Federal Regulations § 930. These sections require activities to be conducted in a manner consistent with approved state management programs.
- McAteer-Petris Act; Title 14 California Code of Regulations (14 CCR) §§ 10110 through 11990. These sections require that activities within the Bay and the shoreline (100 feet landward from the shoreline) be conducted in accordance with the policies of the Bay Plan.

10.2.2. Wetlands Protection and Flood Plains Management

Parcel E-2 contains wetland areas, and implementation of each remedial action may impact these wetlands. Appropriate actions must be taken to minimize the impact to any wetlands at Parcel E-2. The location-specific ARARs for wetlands protection and flood plain management are as follows:

- Executive Order 11990, Protection of Wetlands; 40 CFR § 6.302(a). This section requires action to minimize the destruction, loss, or degradation of wetlands, or to mitigate and restore wetlands if any are destroyed or impaired.
- Clean Water Act of 1977; Title 33 United States Code § 1344. This section requires action to prohibit discharge of dredged or fill material into wetlands without a permit.

10.2.3. Biological Resources

The location specific ARARs for biological reserves are as follows:

- Endangered Species Act of 1973; 16 USC § 1536(a), and (h)(1)(B). This act indicates that federal agencies may not jeopardize the continued existence of any listed species or cause the destruction or adverse modification of critical habitat.
- Migratory Bird Treaty Act of 1972; 16 USC § 703. This act prohibits at any time, using any means or manner, the pursuit, hunting, capturing, and killing, or the attempt to take, capture or kill any migratory bird.
- California Fish and Game Code § 2080. This section prohibits the taking of any endangered or threatened species.
- California Fish and Game Code § 3005(a). This section prohibits the taking of birds or mammals with any net, pound, cage, trap, set line or wire, or poisonous substance.

10.3. POTENTIAL ACTION-SPECIFIC ARARS

Potential action-specific ARARs for each of the remedial alternatives are based on general response actions required to address known or potential risk at Parcel E-2. Action-specific ARARs are technology- or activity-based requirements or limitations for remedial activities. These requirements are triggered by the particular remedial activities conducted at the site, and indicate how a selected remedial alternative should be achieved. Remedial alternatives for Parcel E-2 include containment (Subsection 10.3.1), construction and grading (Subsection 10.3.2), shoreline construction (Subsection 10.3.3), landfill gas monitoring and control (Subsection 10.3.4), groundwater monitoring (Subsection 10.3.5), surface water monitoring and management (Subsection 10.3.6), institutional controls (Subsection 10.3.7), leachate collection and control (Subsection 10.3.8), and excavation and disposal (Subsection 10.3.9).

10.3.1. Action Specific ARARs for Containment

The following regulations are potential ARARs for alternatives that would contain waste in place:

- Compaction: 22 CCR § 66264.228(e)(1). This section requires that, if waste is to remain in a unit, the unit shall be compacted before any portion of the final cover is installed.

- Post-closure Water Entry: 22 CCR § 66264.310(a)(1). This section requires that the final cover be designed to prevent the downward entry of water into the closed landfill throughout a period of at least 100 years.
- Cover Seismic Requirements: 22 CCR § 66264.310(a)(5). This section requires that the final cover be designed to accommodate lateral and vertical shear forces generated by the maximum credible earthquake so that the integrity of the cover is maintained.
- Post-closure Care: 22 CCR § 66264.310(b)(1). This section requires that the integrity and effectiveness of the final cover be maintained throughout the post-closure period.
- Benchmark Maintenance: 22 CCR § 66264.310(b)(5). This section requires that surveyed benchmarks be protected and maintained throughout the post-closure period.
- Engineered Alternative: 27 CCR §§ 20080(b) and (c). Under these sections, engineered alternatives to the prescriptive landfill cover are allowed when the discharger can demonstrate that the construction or prescriptive standard is impractical and will not promote attainment of applicable performance standards, and there is a specific engineered alternative.
- Capping permeability: 27 CCR §§ 20320(c) and (d). This section requires that hydraulic conductivities be evaluated primarily through laboratory methods, and that they be confirmed by appropriate field testing.
- Erosion Control: 27 CCR §§ 20365(c) and (d), and 21090(c)(4). This section requires that diversion and drainage facilities be designed, constructed, and maintained to accommodate the anticipated volume of site precipitation and peak flows. In addition, erosion and related damage of the final cover due to drainage must be prevented throughout the post-closure maintenance period.
- Post-closure care period: Cal. Code Regs. tit. 27, §§ 20950(a). This section requires that the post-closure maintenance period shall extend as long as the wastes pose a threat to water quality
- Foundation layer: Cal. Code Regs. tit. 27, § 21090(a)(1). This section requires that closed landfills be provided with not less than 2 feet of appropriate materials as a foundation layer for the final cover. These materials may be soil, contaminated soil, incinerator ash, or other waste materials, provided that such materials have appropriate engineering properties to be used for a foundation layer. The foundation layer shall be compacted to the maximum density obtainable at optimum moisture content using methods that are in accordance with accepted civil engineering practice. A lesser thickness may be allowed for units if the differential settlement of waste and ultimate land use will not affect the structural integrity of the final cover.
- Erosion-resistant layer: Cal. Code Regs. tit. 27, § 21090(a)(3). This section requires that closed landfills be provided with an uppermost cover layer, which should directly overlay the low-hydraulic-conductivity layer, consisting of either a vegetative layer consisting of not less than 1 foot of soil capable of sustaining native or other suitable plant growth or a mechanically erosion-resistant layer.
- Emergency Response: 27 CCR § 21130. The substantive provisions of this section requires that: 1) occurrences that may exceed the site design and endanger public health or the environment be identified; 2) specific procedures that minimize these hazards to protect public health and safety be established; and 3) hazard mitigation procedures also address vandalism, fires, explosions,

earthquakes, floods, the collapse or failure of artificial or natural dikes, levees, or dams, surface drainage problems, and other waste releases.

- Site Security: 27 CCR §§ 21135(f) and (g). This section requires that all points of site access must be restricted, except at permitted entry points, and that all monitoring, control and recovery systems be protected from unauthorized access. Once closure activities are complete, site access by the public may be allowed in accordance with the approved post-closure maintenance plan.
- Structure Removal: 27 CCR § 21137. This section requires that the operator dismantle and remove site structures at the time of closure to protect public health and safety in accordance with the implementation schedule of the approved final closure plan.
- Final Cover: 27 CCR § 21140(a) and (b). This section requires that the final cover function with minimum maintenance and that it provide waste containment to protect public health and safety by controlling at a minimum, vectors, fire, odor, litter, and landfill gas migration. The final cover must also be compatible with post-closure land use.
- Final Grading: 27 CCR §§ 21142(a). This section requires final grades to be designed and maintained to reduce impacts to health and safety, and to take into consideration any post-closure land use.
- Slope Stability: 27 CCR § 21145(a)(5). This section requires the operator to ensure the integrity of final slopes under both static and dynamic conditions to protect public health and safety, and to prevent damage to post-closure land uses, roads, structures, utilities, gas monitoring and control systems, and leachate collection and control systems to prevent public contact with leachate, and to prevent exposure of waste.
- Drainage and Erosion Control: 27 CCR § 21150(a). This section requires that the drainage and erosion control system be designed and maintained to ensure the integrity of post-closure land uses, roads, and structures; prevent public contact with waste and leachate; ensure integrity of gas monitoring and control systems; prevent safety hazards; and prevent exposure of waste.
- Post-closure Maintenance: 27 CCR § 21180(a). This section requires post-closure maintenance and monitoring of the landfill for no less than 30 years following closure.
- Post-closure Land Use: 27 CCR § 21190(a), (b), (c), (d), (e), (f) and (g). These sections require that postclosure land uses be designed and maintained to protect health and safety; prevent contact with waste, landfill gas, and leachate; and prevent gas explosions. In addition, approval is required if proposed postclosure land uses involve structures within 1,000 feet of the disposal area, structures on top of waste, modification of the low permeability layer, or irrigation over waste. Additional requirements apply to potential on-site construction.

10.3.2. Action Specific ARARs for Construction and Grading

The regulations summarized below are potential ARARs for construction and grading operations.

- Title 17 California Code of Regulations § 93105. This section sets forth requirements for road construction and maintenance, and for construction and grading operations in soil containing naturally occurring asbestos, serpentine, or ultramafic rock.
- SWRCB Remediation Activities: 27 CCR § 20090(d). This section specifies that actions taken by or at the direction of public agencies to clean up or abate conditions of pollution or nuisance resulting from unintentional or unauthorized releases of waste or pollutants to the environment

are exempt from the Title 27 waste pile requirements provided that wastes or contaminated materials removed from the immediate place of release shall be discharged or contained in accordance with applicable SWRCB-promulgated provisions of this division to the extent feasible.

10.3.3. Action Specific ARARs for Shoreline Construction

The regulations summarized below are potential ARARs for construction within the shoreline.

- 22 CCR § 66264.553(b), (d), (e), and (f). These sections set forth alternative requirements that are protective of human health or the environment and that may replace design, operating, or closure standards for temporary tanks and container storage areas. These sections may apply to the temporary storage of dredged sediment from excavation activities.
- Clean Water Act of 1977 (Title 33 U.S.C. § 1344), as promulgated in 40 CFR §§ 230.10 and 230.11, and Title 33 Code of Federal Regulations § 320. These sections set forth requirements for discharging fill material into wetland areas and the Bay.

10.3.4. Action Specific ARARs for Landfill Gas Monitoring and Control

The regulations summarized below are potential ARARs for continued operation and maintenance of the existing gas control system at the Parcel E-2 Landfill.

- Gas Emission, Bay Area Air Quality Management District (BAAQMD) Regulation 8, Rule 2. This rule requires that a person shall not discharge into the atmosphere from any miscellaneous operation an emission containing more than 6.8 kilograms (15 pounds) per day and containing a concentration of more than 300 ppm of total carbon on a dry basis.
- Landfill Gas Monitoring: 27 CCR § 20923. This section states that, to ensure that the conditions of § 20921 are met, general standards for a landfill gas monitoring network are required.
- Perimeter Monitoring: 27 CCR § 20925. This section requires that perimeter monitoring wells be installed around the waste, and specifies the location, spacing, depth and construction requirements for the perimeter monitoring system.
- Structure Monitoring: 27 CCR § 20931. This section requires that the monitoring network design include provisions for monitoring on-site structures such as buildings, subsurface vaults, utilities, and any other areas where potential gas buildup would be of concern.
- Monitored Parameters: 27 CCR § 20932. This section requires that all monitoring probes and on-site structures be sampled for methane during the monitoring period.
- Monitoring Frequency: 27 CCR § 20933. This section requires quarterly monitoring at a minimum. More frequent monitoring may also be required at locations where monitoring results indicate that landfill gas migration is occurring or is accumulating in structures.
- Methane Control: 27 CCR § 20937. This section describes the actions required when results of gas monitoring indicate that concentrations of methane exceed levels set forth in 27 CCR § 20921(a).

10.3.5. Action Specific ARARs for Groundwater Monitoring

The potential federal and state ARARs for groundwater monitoring performed at Parcel E-2 are summarized below.

- 22 CCR § 66264.310(b)(3). This section requires that the groundwater system be maintained and monitored after closure of a waste management unit in accordance with the applicable requirements of Article 6, Chapter 14.
- 22 CCR § 66264.93. This section identifies the COC requirements.
- 22 CCR § 66264.95. This section identifies the point of compliance.
- 22 CCR § 66264.97(b)(1)(A), (b)(1)(D)(1) and (2). This section establishes a sufficient number of groundwater monitoring points.
- 22 CCR § 66264.97(b)(4), (5), (6), and (7). This section identifies monitoring well construction requirements and sampling intervals.
- 22 CCR § 66264.97(e)(6),(e)(12)(A), (e)(12)(B), (e)(13), and (e)(15). This section identifies sample collection requirements.
- 22 CCR § 66264.100(d). This section requires the implementation of a corrective action monitoring program.

The following potential ARARs pertain to disposal of any investigation derived waste (IDW) generated in the implementation of this alternative, and the implementation of the excavation and off-site disposal alternative.

- 22 CCR §§ 66262.10(a) and 66262.11. These sections require the Navy to determine if any IDW is hazardous waste.
- 22 CCR § 66264.13(a) and (b). This section sets requirements for analyzing waste to determine if it is hazardous.
- 27 CCR § 20200(c). This section requires accurate characterization of waste.
- 27 CCR § 20210. This section requires that designated waste be discharged to Class I or Class II waste management units.
- 27 CCR § 20220(b), (c), and (d). This section requires that nonhazardous solid waste be discharged to a classified waste management unit.

10.3.6. Action Specific ARARs for Surface Water Monitoring and Management

The regulations summarized below are potential ARARs for surface water runoff monitoring and management performed at Parcel E-2.

- 40 CFR § 122.44(k)(2) and (4). This section, pursuant to which SWRCB Order 99-08 was issued, specifies the use of BMPs to reduce pollutants during construction that disturbs at least 1 acre. These requirements are potentially applicable during closure activities.
- 22 CCR § 66264.97(c)(1) and (c)(2)(B). This section requires that a monitoring system be established to monitor each surface water body, and to ensure the earliest possible detection of a release from a regulated unit. These requirements are potentially applicable during post-closure activities.

10.3.7. Action Specific ARARs for Institutional Controls

The following potential state ARARs pertain to implementation of institutional controls.

- California Civil Code § 1471(a)(3). This section provides conditions under which land use restrictions will apply to successive owners of land.
- California Health and Safety Code § 25202.5. This section allows DTSC to enter into an agreement to restrict land uses.
- California Health and Safety Code § 25233(c). This section sets criteria for obtaining written variances from restrictions on prohibited uses set forth in Cal. Health and Safety Code § 25232(b)(1)(A)-(E) based upon specified environmental and health criteria.
- California Health and Safety Code § 25234. This section sets the requirements for removing land use restrictions.
- California Health and Safety Code §§ 25222.1 and 25355.5(a)(1)(C). These sections provide a streamlined process for entering into an agreement to restrict the specific use of a property for the implementation of substantive use restrictions.
- 22 CCR § 67391.1(e)(1). This section requires DTSC and the federal government to execute an appropriate land use covenant that is recorded in the county in which the land is located.

10.3.8. Action Specific ARARs for Leachate Collection and Control

The regulations summarized below are potential ARARs for leachate collection and control (if required based on groundwater monitoring results).

- 22 CCR § 66264.310(b)(2). This section requires that, based on groundwater monitoring results, leachate collection and removal will be performed until no longer detected.
- Leachate Control: 27 CCR § 21160(a) and (c). This section requires that leachate control be implemented and maintained in a manner that prevents public contact and controls vectors, nuisance, and odor.

10.3.9. Action Specific ARARs for Excavation and Off-Site Disposal

The following regulations are potential ARARs for implementation of excavation and off-site disposal activities at Parcel E-2.

- 40 CFR § 264.554(a), (d), (g), (h), (i), (j), and (k). This section is a RCRA requirement that allows the accumulation of waste and temporary storage on the contiguous property for up to 2 years during remedial operations
- 22 CCR § 66264.553(b), (d), (e), and (f). This section sets forth alternative requirements that are protective of human health or the environment and that may replace design, operating, or closure standards for temporary tanks and container storage areas. These sections may apply to the temporary storage of extracted groundwater associated with excavation prior to treatment and discharge.

- 40 CFR § 403. The substantive provisions of this section, which specify pre-treatment standards, are potentially applicable if groundwater is treated on-site and discharged to a publicly-owned sanitary sewer system.
- BAAQMD Regulation 6, Rule 302. This regulation prohibits emissions as dark or darker than No. 1 on the Ringelmann Chart and sets forth opacity requirements.
- 40 CFR § 761.61(c). This section provides a risk-based option for the disposal of PCB remediation waste.