Appendix H
Five-year Review Interview Summary Form

Agency Interview for the 5-year Review of the Atlas Asbestos Mine and Coalinga Asbestos Mine Superfund Sites

PREPARED FOR: United States Environmental Protection Agency

PREPARED BY: Alexa Stamets/CH2M HILL

DATE: May 25, 2006

At the request of the United States Environmental Protection Agency, one interview was performed as part of the 5-year review of the Atlas Asbestos Mine and Coalinga Asbestos Mine Superfund Sites. Steven Ross, P.E., Hazardous Substance Engineer of the Department of Toxic Substances Control, Site Mitigation and Brownfields Reuse Program was interviewed on May 24, 2006. The interview record for this interview is attached.

Five-Year Review Interview Record			**Interviewee:** Steven Ross, P.E./ Department of Toxic Substances Control (DTSC)	
Site Name		**EPA ID No.**	**Date of Interview**	**Interview Method via**
Atlas Asbestos Mine and Coalinga Asbestos Mine Superfund Sites		0934, CAD980496863 0935, CAD980817217	May 24, 2006	Phone ☒ Fax/email ☐ In person ☐
Interview Contacts	**Organization**	**Phone**	**Email**	**Address**
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Interview Questions

1. What is your relationship to the site? What is your overall impression of the work conducted at the site to date? (general sentiment)

Response: Mr. Ross is the DTSC project manager for both the Atlas Asbestos Mine and Coalinga Asbestos Mine Superfund Sites. He is responsible for oversight of operations and maintenance, implementation and enforcement of deed restrictions, and support on five-year reviews at the Johns-Manville Mine (JMM) (Coalinga OU1) and Coalinga City OU (OU2). He also provides oversight at the Atlas Mine, Arroyo Pasajero Ponding Basin, and Clear Creek Management Area (CCMA) (Atlas OU1) to assist in the determination of whether the Atlas Asbestos Mine Superfund Site is eligible for de-listing from the NPL. Mr. Ross is also working with the responsible parties at the Atlas Mine to develop a deed restriction for the privately owned portions of the site. He will oversee the long-term operations and maintenance associated with the pending deed restriction for the Atlas Mine.

Mr. Ross is happy with the recent repairs that have been made to mitigate erosion concerns at the Atlas Mine site, especially at the Regional Sediment Storage Area and along access roads. He feels further evaluation should be performed to determine whether the perimeter fence in the northern portion of the site should be repaired to prevent access to the site.

Mr. Ross feels the remedy is working well at the City OU and the JMM OU. He is working with the responsible party contractor to update the DTSC contact information on the signs surrounding the waste management unit at the City OU.

2. Do you feel well informed about the site's activities and progress?

Response: Yes.

3. Have there been routine communications or activities (site visits, inspections,

reporting activities, etc) conducted by your office regarding the site? If so please give purpose and results.

Response: Yes. The purpose of routine communications and inspections is to ensure that the remedies are functioning as intended, to ensure that the recorded deed restriction(s) are enforceable at Coalinga Asbestos Site and in progress at Atlas Mine, and determine if the Atlas Mine site is eligible for de-listing.

4. Is the remedy functioning as expected? How well is the remedy performing?

Response: Yes.

5. What does the monitoring data show? Are there any trends that show contaminant levels are decreasing? Have any new or emerging COCs been identified? If so, have they impacted the effectiveness of the remedy?

Response: Not Applicable.

6. Are you aware of any institutional controls, site access controls, new ordinances in place, changes in actual or projected land use, complaints being filed or unusual activities at the site? If so, please describe in detail.

Response: The deed restrictions for the Atlas Mine site are currently in development. DTSC has asked Northrop Grumman Corporation to arrange a survey coordinates of their property subject to restriction and obtain a written legal description so DTSC can prepare the deed restriction. The deed restriction for this property will restrict future uses of the property, will allow for DTSC access to the site, will identify parties responsible for O&M of the deed restriction, will be signed by DTSC and the property owner(s), and will be recorded with the county. The deed restriction will be enforced through annual inspections. With this restriction, DTSC will evaluate the option of recording Notices with the county regarding the asbestos on the two 5-acre parcels of tax default property.

While deed restrictions have been recorded for JMM and the City OU, the restrictions were recorded in 1990 and 1993 and are not consistent with DTSC's current regulations for land use covenants. The deed restrictions for both these sites should be updated to be consistent with current DTSC requirements for land use covenants. In addition, the 1992 deed restriction amendment for the City OU was never properly recorded with Fresno County. An O&M Agreement will be required at these sites to provide for the long-term monitoring and enforcement of the deed restrictions.

7. Would you say that O&M and/or sampling efforts have been optimized? Please describe how improved efficiency has or has not occurred.

Response: Yes. The O&M Plan for the Atlas Mine is currently being modified to provide for O&M of recent improvements made at the site. Mr. Ross has commented on a draft of this O&M Plan.

8. Are you aware of any ongoing community concerns regarding the site or its administration?

Response: There are community concerns in the CCMA. There are two competing community groups that have voiced concerns regarding the use of the CCMA: an off-road vehicle group that wants to expand the area over which off-roading is allowed in the CCMA, and a native-plant society that wants to limit or eliminate use of the CCMA by off-road vehicles.

9. Are you aware of any events, incidents, or activities that have occurred at the site, such as dumping, vandalism, trespassing, or emergency response from local authorities?

Response: Bike tracks have been observed around Pond A at the Atlas Mine, suggesting that trespassing has occurred on the property.

10. Do you have any comments, suggestions, or recommendations regarding the site?

Response: No.

Appendix I
ARAR Review Technical Memorandum

Atlas Asbestos Mine and Coalinga Asbestos Mine (Johns-Manville Mill) Superfund Sites, Applicable or Relevant and Appropriate Requirements Evaluation

PREPARED FOR: Alexa Stamets, CH2M HILL

PREPARED BY: Andrew Redmond, CH2M HILL

COPIES: Caroline Ziegler, CH2M HILL

DATE: May 17, 2006

This technical memorandum presents an evaluation of the applicable or relevant and appropriate requirements (ARAR) at the Atlas Asbestos Mine and Coalinga Asbestos Mine (Johns-Manville Mill or JMM) Superfund sites.

Purpose of ARARs Review

The purpose of this ARARs review is to determine whether laws, regulations, or guidance promulgated since approval of site decision documents alter the remedy's protectiveness of human health and the environment.

ARARs are established in the site decision documents or the Records of Decision (RODs). Changes to ARARs, where necessary, can be memorialized in ROD Amendments, Explanation of Significant Differences, or other formal memorandum, depending on the significance of the change as it impacts the selected remedy.

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) at 40 C.F.R. § 300.430(f)(1)(B)(1), provides that ARARs essentially freeze at the time the ROD is issued unless United States Environmental Protection Agency (USEPA) determines that the new requirements are ARARs and necessary to ensure that the remedy is protective of human health and the environment.

ARARs Background

Section 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires that remedial actions implemented at CERCLA sites are carried out in compliance with any federal or more stringent state environmental standards, requirements, criteria, or limitations that are determined to be ARARs.

CERCLA response actions are exempted by law from the requirement to obtain federal, state, or local permits related to any activities conducted completely onsite. However, this does not remove the requirement to meet the substantive provisions of permitting regulations that are ARARs.

Applicable

Applicable requirements are cleanup standards, criteria, or limitations promulgated under federal or state law that specifically address the situation at a CERCLA site. A requirement is applicable if the jurisdictional prerequisites of the environmental standard show a direct correspondence when objectively compared with the conditions at the site.

Relevant and Appropriate

If a requirement is not legally applicable, the requirement is evaluated to determine whether it is relevant and appropriate. Relevant and appropriate requirements are those cleanup standards, standards of control, and other substantive environmental protection requirements, criteria, or limitations promulgated under federal or state law that, while not applicable, address problems or situations sufficiently similar to the circumstances of the proposed response action and are well suited to the conditions of the site. The criteria for determining relevance and appropriateness are listed in 40 CFR 300.400(g)(2).

To be Considered (TBC)

TBC criteria are requirements that may not meet the definition of an ARAR, but still may be useful in determining whether to take action at a site or to what degree action is necessary. TBC criteria, as defined in 40 CFR 300.400(g) (3), are non-promulgated advisories or guidance issued by federal or state government that are not legally binding but may provide useful information or recommended procedures for remedial action. In some cases, the TBCs selected in the ROD become the required level of cleanup, while all selected TBCs are intended to ensure the protection of human health and the environment for that site.

Pursuant to USEPA guidance, ARARs generally are classified into three categories: chemical-specific, location-specific, and action-specific requirements. These categories of ARARs are identified below.

- **Action-specific ARARs** are requirements that apply to specific actions that may be associated with site remediation. Action-specific ARARs often define acceptable handling, treatment, and disposal procedures for hazardous substances. These requirements are triggered by the particular remedial activities that are selected to accomplish a remedy. Examples of action-specific ARARs include requirements applicable to landfill closure, wastewater discharge, hazardous waste disposal, and emissions of air pollutants.

- **Chemical-specific ARARs** include those laws and regulations that regulate the release to the environment of materials possessing certain chemical or physical characteristics or containing specified chemical compounds. These requirements generally set health- or risk-based concentration limits or discharge limits for specific hazardous substances.

- **Location-specific ARARs** are those requirements that relate to the geographical or physical location of the site, rather than the nature of the contaminants or the proposed site remedial actions. These requirements may limit the placement of remedial action, and may impose additional constraints on the cleanup action. For example, location-specific ARARs may refer to activities in the vicinity of wetlands, floodplains, endangered species habitat, and areas of historical or cultural significance.

Site Background

The Atlas and Coalinga Asbestos Mine Sites are located approximately 17 miles northwest of Coalinga, Fresno County, California. The Atlas Asbestos Mine Site is an approximately 140-acre abandoned asbestos mine located within a larger region of naturally-occurring asbestos minerals. The Atlas Asbestos Mine Site includes two operable units (OU) (Atlas Mine Area OU [OU1] and the City of Coalinga OU [City OU2]) and two geographic areas (the Clear Creek Management Area [CCMA] and the Arroyo Pasajero Ponding Basin). The City OU2 is approximately 107 acres, located between 4th Street and the intersection of Lucille Avenue and Highway 198 in Coalinga. The Atlas Asbestos Mine Site is a CERCLA Superfund Site and was placed on the National Priority List (NPL) in 1984. Because the RODs only selected remedies for the Atlas Mine Area OU and City OU2, the ARARs review is limited to these OUs and does not address the two geographic areas of the Atlas Asbestos Mine Site.

The Coalinga Asbestos Mine Site consists of the JMM OU (OU1) and the City OU2. The facilities were active in the milling, manufacture, storage and/or transportation of asbestos materials from the 1950s until 1980. The JMM OU is an approximately 120-acre abandoned asbestos mine, also located within the larger region of naturally-occurring asbestos minerals and within the CCMA. The Coalinga Asbestos Mine Site was placed on the NPL in 1984 and de-listed in 1998.

The remedial objective for both sites is to control the release of asbestos fibers to minimize direct or indirect exposure of humans and the environment. Asbestos is classified as a known human carcinogen by state, federal, and international agencies. Asbestos was identified as a toxic air contaminant in 1986 by the California Air Resources Board.

Atlas Mine and Coalinga Mine Sites ARARs Review

The following documents were consulted in completing this ARARs review:

- Coalinga Asbestos Mine OU2 (City OU2) ROD, 1989
- Atlas Asbestos Mine OU2 (City OU2) ROD, 1989
- Coalinga Asbestos Mine OU1 (JMM OU1) ROD, 1990
- Atlas Asbestos Mine OU1 ROD, 1991
- Five-year Review for City OU2, April 1996
- Five-year Review for Atlas Asbestos Mine Superfund Site, September 2001
- Five-year Review for Coalinga Asbestos Mine Superfund Site, September 2001

The contaminants of concern include asbestos, heavy metals (including nickel), mining waste, and particulate matter less than 10 microns in diameter (PM_{10}). The following remedies were selected for each OU:

- **Atlas Mine Area OU1 –** The 1991 ROD specified the following remedial actions: revegetating to deter erosion, constructing surface impoundments and drainage channels to capture and divert eroded tailings, constructing fencing to restrict access, paving roads through the main area to prevent dust generation, demolishing the mill building, disposing debris, implementing of an operation and maintenance plan, and recording deed restrictions on privately held land. Approximately 2.3 million cubic

meters of asbestos ore and asbestos tailings remain at the site. An inspection and maintenance program is ongoing.

- **JMM OU1 –** The 1990 ROD specified the following remedial actions: constructing fencing to prevent access, demolishing the mill buildings, diverting the stream to channel water away from the tailing pile, constructing a sediment retention dam, revegetating to deter erosion, developing an operation and maintenance plan, and recording a deed restriction. An estimated 450,000 cubic yards of ore and tailings remain at the site.
- **City OU2 (OU2 for Atlas and Coalinga Asbestos Mine Sites) –** The 1989 RODs for the City OU2 required contaminated soils, equipment, and other wastes to be removed and buried in the onsite waste management unit (WMU). The RODs specified the following remedial actions: removing and consolidating the asbestos- and nickel-contaminated soils at this site, removing and consolidating contaminated waste materials and equipment, decontaminating buildings to less than or equal to 1 area-percent, constructing an WMU to permanently bury the consolidated contaminated substances, performing groundwater monitoring and continuous monitoring of soil moisture content using neutron probes, and filing a deed restriction on the property where the WMU and soil cover exist to prevent the disturbance of the cap and prevent possible release of asbestos fibers or nickel contaminants.

ARARs Review Tables

The following three tables list the ARARs established in the above-referenced decision documents, summarize the requirement for each ARAR, cite the regulatory basis for each ARAR, state the evaluated status of each ARAR, and comment on regulatory changes for each ARAR where applicable.

Table 1 contains action–specific ARARs, Table 2 contains chemical–specific ARARs, and Table 3 contains location-specific ARARs. The tables provide the applicable OU, citations, requirements, decision document that established the ARAR and whether any updates have occurred for the ARARs since the previous 5-year review. Current versions of the CCR and the CFR were consulted (via the internet or in hardcopy) to review pertinent updates of laws, regulations, or guidance.

TABLE 1
Action-specific ARARs

Action	OU	Requirement	Citation / Year	Origin	ARARs Determination	Comments
Construction	City OU2, Atlas OU1, JMM OU1	Permissible exposure limit of 0.2 asbestos fibers per cubic centimeter (f/cc) of air for occupationally-exposed workers and an action level of 0.1 f/cc as 8-hour time-weighted average.	OSHA, 51 FR 22612 (1986)	City OU2 ROD 1989 JMM OU1 ROD 1990 Atlas OU1 ROD 1991	Applicable	Worker exposure limit
Construction	Atlas OU1, JMM OU1	All mining units shall be protected from flooding as shown on Table 1.2 in Citation.	CCR, Title 23, Chapter 3, Subchapter 15, Article 7, Section 2572(b)	JMM OU1 ROD 1990 Atlas OU1 ROD 1991	Applicable	No substantive changes. Recodified as CCR, Title 27, Div. 2, Chapter 7, Subchapter 1, Article 1, Section 22490(b).
Construction	Atlas OU1, JMM OU1	Diversion and drainage shall be designed and constructed to accommodate anticipated volume of precipitation and peak flow from surface runoff from 25-year, 24-hour storm.	CCR, Title 23, Chapter 3, Subchapter 15, Article 7, Section 2572(h)(1)(A)	JMM OU1 ROD 1990 Atlas OU1 ROD 1991	Applicable	No substantive changes. Recodified as CCR, Title 27, Div. 2, Chapter 7, Subchapter 1, Article 1, Section 22490(h)(1)(A).
Construction	Atlas OU1, JMM OU1	Dischargers shall comply with precipitation and drainage control requirements in Section 20365(d) and (e).	CCR, Title 23, Chapter 3, Subchapter 15, Article 7, Section 2572(h)(3)	JMM OU1 ROD 1990 Atlas OU1 ROD 1991	Applicable	No substantive changes. Recodified as CCR, Title 27, Div. 2, Chapter 7, Subchapter 1, Article 1, Section 22490(h)(3).
Construction	Atlas OU1, JMM OU1	Collection and holding facilities associated with precipitation and drainage control systems shall be emptied immediately following each storm or otherwise managed to maintain the design capacity.	CCR, Title 23, Chapter 3, Subchapter 15, Article 7, Section 2546(d)	JMM OU1 ROD 1990 Atlas OU1 ROD 1991	Applicable	No substantive changes. Recodified as CCR, Title 27, Div. 2, Chapter 3, Subchapter2, Article 4, Section 20365(d).
Construction	Atlas OU1, JMM OU1	Surface and subsurface drainage from outside waste management unit shall be diverted from unit.	CCR, Title 23, Chapter 3, Subchapter 15, Article 7, Section 2546(e)	JMM OU1 ROD 1990 Atlas OU1 ROD 1991	Applicable	No substantive changes. Recodified as CCR, Title 27, Div. 2, Chapter 3, Subchapter 2, Article 4, Section 20365(e).

Notes:

FR = Federal Register.

OSHA = Occupational Safety and Health Act.

TABLE 2
Chemical-specific ARARs

Contaminant / OU	Media	Requirement	Citation / Year	Origin	ARARs Determination	Comments
Asbestos City OU2	Bulk materials (e.g., soil, rock)	Use of polarized light microscopy measurement technique for asbestos.	TSCA, AHERA, 52 CFR 41846; 1987	City OU2 ROD 1989	Applicable	Asbestos detection technique.
Asbestos Atlas OU1, JMM OU1, and City OU2	Air	Air cleaning–requires use of air cleaning devices for asbestos control to meet certain requirements.	CAA, Asbestos NESHAP, 40 CFR 61.152: 1984 (amended 1986 and 1990)	City OU2 ROD 1989 JMM OU1 ROD 1990 Atlas OU1 ROD 1991	Applicable	Implementation of remedy.
Asbestos Atlas OU1, JMM OU1, and City OU2	Air	Reporting–requires asbestos waste producers subject to 40 CFR 61.149, 61.150, 61.151, and 61.154 to report certain information to USEPA.	CAA, Asbestos NESHAP, 40 CFR 61.153: 1984 (amended 1990 and 1991)	City OU2 ROD 1989 JMM OU1 ROD 1990 Atlas OU1 ROD 1991	Applicable	Completion of remedy.
Asbestos Atlas OU1, JMM OU1, and City OU2	Air	Cross reference to other asbestos regulations.	CAA, Asbestos NESHAP, 40 CFR 61.156: 1990 (amended 1995)	City OU2 ROD 1989 JMM OU1 ROD 1990 Atlas OU1 ROD 1991	Applicable	Implementation of remedy.
Heavy Metals (including Nickel) Atlas OU1, JMM OU1, and City OU2	Mining Waste	Classifies nickel-bearing waste as Class B mining waste. Class B mining waste must be disposed of in a capped landfill.	CCR, Title 23, Chapter 3, Subchapter 15, Article 7, Section 2571(b)(2)	City OU2 ROD 1989	Applicable	No substantive changes. Recodified as CCR, Title 27, Div. 2, Chapter 7, Subchapter 1, Article 1, Section 22480(b)(2).
Heavy Metals (including Nickel) Atlas OU1, JMM OU1, and City OU2	Mining Waste	Allows the California Regional Water Quality Control Board (Water Board) to exempt mining waste piles from liner and leachate collection and removal requirements if it is demonstrated that leachate will not form in or escape from unit.	CCR, Title 23, Chapter 3, Subchapter 15, Article 7, Section 2570(b)	City OU2 ROD 1989 (location-specific ARARs)	Applicable	No substantive changes. Recodified as CCR, Title 27, Div. 2, Chapter 7, Subchapter 1, Article 1, Section 22470(b).
Heavy Metals (including Nickel) Atlas OU1, JMM OU1, and City OU2	Waste	Allows the Water Board to exempt Group B mining waste unit from certain provisions of Article 7 if comprehensive hydrogeologic investigation demonstrates that (1) there are only very minor amounts of groundwater underlying the area, (2) the discharge is in compliance with the applicable water quality control plan, and (3) either natural conditions or containment structures will prevent lateral hydraulic interconnection with groundwater and there is no detectable vertical hydraulic	CCR, Title 23, Chapter 3, Subchapter 15, Article 7, Section 2570(c)	City OU2 ROD 1989 (location-specific ARARs, reviewed in the Atlas 2001 5-year review and Coalinga 2001 5-year review as chemical-specific ARAR)	Applicable	No substantive changes. Recodified as CCR, Title 27, Div. 2, Chapter 7, Subchapter 1, Article 1, Section 22470(c)

TABLE 2
Chemical-specific ARARs

Contaminant / OU	Media	Requirement	Citation / Year	Origin	ARARs Determination	Comments
		interconnection.				
PM_{10} Atlas OU1, JMM OU1	Air	Fresno County APCD adopted PM_{10} standard: ambient air shall not exceed 30 micrograms per cubic meter (annual average) or 50 micrograms per cubic meter (24-hour period)	California H&S Code, Div. 26, Section 39000 et seq, and CCR, Title 17, Part 3, Chapter 1, Subchapter 15, Article 2	JMM OU1 ROD 1990 Atlas OU1 ROD 1991	Applicable	PM_{10} is a criteria pollutant. Fresno County APCD was incorporated in the San Joaquin Valley APCD
Asbestos Atlas OU1, JMM OU1, and City OU2	Air	Requires road construction and maintenance to be conducted in compliance with CARB ATCM Section 93105(d).	H&S Code Section 39666(d); CARB ATCM for construction and surfacing applications (i.e., roads)	Not established in any ROD	Applicable	CARB issued the asbestos ATCM for construction, grading, quarrying, and surface mining operations July 29, 2002. It requires each APCD to implement and enforce this regulation.

Notes:

AHERA = Asbestos Hazard Emergency Response Act.

APCD = Air Pollution Control District.

ATCM = Airborne Toxic Control Measure.

CAA = Federal Clean Air Act.

CARB = California Air Resources Board.

H&S Code = California Health and Safety Code.

NESHAP = National Emissions Standard for Hazardous Air Pollutants.

PM_{10} = Particulate Matter less than 10 microns in diameter.

TSCA = Toxic Substances Control Act.

TABLE 3
Location-specific ARARs

Location	OU	Requirement	Citation / Year	Origin	ARARs Determination	Comments
Area that contains Endangered species	Atlas OU1, JMM OU1, and City OU2	Activities carried out by federal agencies should not jeopardize continued existence of endangered species identified at site or cause adverse modifications of critical habitat.	Endangered Species Act of 1973, 16 USC 1536 (a)(4)	City OU2 ROD 1989 JMM OU1 ROD 1990 Atlas OU1 ROD 1991	Applicable	Endangered species in the area include the kit fox and the blunt-nosed leopard lizard.
Area that contains endangered species	Atlas OU1, JMM OU1, and City OU2	Established guidelines for minimizing habitat loss.	USFWS Mitigation Policy – 46 FR 7644-7663, January 1981	City OU2 ROD 1989 JMM OU1 ROD 1990 Atlas OU1 ROD 1991	Applicable	Endangered species in the area include the kit fox and the blunt-nosed leopard lizard.
Areas that impact waters of the United States	Atlas OU1 and JMM OU1	Regulates discharge of dredged or fill material into navigable waters.	FWPCA, Section 404(b)(1), 33 USC 1344(b)	JMM OU1 ROD 1990 Atlas OU1 ROD 1991	Applicable	If no practicable alternative to impacting waters of the U.S. exists, then any unavoidable, adverse impact must be mitigated.
Property that contains hazardous waste	Atlas OU1 and JMM OU1	Regulates placement of deed restrictions on property so that site cannot be used for purpose other than industrial or manufacturing.	H&S Code, Div. 20, Chapter 6.5, Section 25232(a)(1) and (2); and CCR, Title 22, Div. 4, Chapter 30, Section 66001	JMM OU1 ROD 1990 Atlas OU1 ROD 1991	Applicable	Substantive restrictions are an ARAR; however, the procedural requirements related to notice, hearing, and mechanisms for implementing deed restrictions do not fall within an ARAR based on CERCLA Section 121, 42 USC 9621.
Property that contains hazardous waste	Atlas OU1, JMM OU1, and City OU2	Requires all land use covenants to be signed by the DTSC and the landowner and be recorded in the county where the land is located.	Title 22, CCR, Chapter 39, Section 67391.1(a), (b), (d), (g), (i)	This is a new regulation	Relevant and appropriate	New regulation effective April 19, 2003.

Notes:

DTSC = Department of Toxic Substances Control.

FR = Federal Register.

FWPCA = Federal Water Pollution Control Act.

H&S Code = California Health and Safety Code.

USC = United States Code.

USFWS = United States Fish and Wildlife Service.

Summary

The Atlas Asbestos Mine and Coalinga Asbestos Mine sites' ARARs (as established in the RODs and reviewed in previous 5-year reviews) were evaluated and detailed in Tables 1 through 3. The basis for ARARs is the laws and regulations applicable to the sites' locations, remedy actions, and contaminants of concern. The contaminants of concern include asbestos, heavy metals including nickel, mining waste, and PM_{10}.

There were no changes to existing action-specific ARARs for the Atlas Asbestos Mine OU1, the JMM OU1, or the City OU2. However, the following changes to chemical- and location-specific ARAR were identified through this evaluation.

Changes to Chemical-specific ARARs

The California Air Resources Board (CARB) issued the Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations on July 29, 2002. It requires each Air Pollution Control District to implement and enforce this regulation. Road construction and maintenance activities are to be conducted in compliance with CARB ATCM, Section 93105(d) pursuant to the California Health and Safety Code, Section 39666(d) and CARB ATCM for construction and surfacing applications (i.e., roads). This regulation was not established in any of the decision documents; however, it is applicable as a chemical-specific ARAR for Atlas Mine Area OU1, JMM OU1, and the City OU2.

Changes to Location-specific ARARs

The following is recommended as a relevant and appropriate location-specific ARAR based on a land-use covenant regulation issued by the Department of Toxic Substance Control (DTSC), effective April 19, 2003. This regulation is relevant and appropriate for Atlas OU1, JMM OU1, and the City OU2. Title 22, CCR, Chapter 39, Section 67391.1(a), (b), (d), (g), & (i) requires all land-use covenants to be signed by DTSC and the landowner and to be recorded in the county where the land is located.