

Table 3-1: Applicable or Relevant and Appropriate Requirements (ARARs) and "To be Considered" (TBC) Factors

Standard, Requirement, Criteria, Limitation	Citation	Description	Type of ARARs
Federal			
Clean Air Act	42 USC 7401-7642	Emission standards from stationary and mobile sources	Chemical
Clean Water Act	33 USCA 1251-1376 40 CFR 100-149	Regulations requiring development and implementation of a storm water pollution prevention plan	Action
National Archaeological and Historical Preservation Action	16 USC 469 36 CFR 65	Provides requirements if significant scientific/cultural/historical artifacts are found	TBC
Occupational Health and Safety	29 CFR 1910.120	Establishes requirements for health and safety training	Action
Regional Screening Levels	USEPA Region 9, 2015	Risk-based concentrations that are intended to assist risk assessors and others in initial screening-level evaluations of environmental measurements	TBC
Resource Conservation and Recovery Act (RCRA)	42 USC 6901 et. seq. 40 CFR 258	Establishes criteria for generation, management, and disposal of non-hazardous solid waste	Chemical/ Action
	42 USC 6901 et. seq. 40 CFR 261	Establishes criteria to determine whether solid waste exhibits characteristics that makes it a regulated hazardous waste	Chemical/ Action
	42 USC 6901 et. seq. 40 CFR 263	Standards applicable to transporters of hazardous waste	Chemical/ Action
Risk Assessment Guidance for Superfund; Ecological Risk Assessment Guidance for Superfund; Ecological Soil Screening Levels	USEPA, 1989, 1997, 2010	Guidance and framework to assess human and ecological risks	TBC
Toxic Substances Control Act	40 CFR 761.60, 761.61, 761.75	Regulations that determine the appropriate characterization, cleanup, and disposal requirements for PCBs	Chemical/ Action
State and Local			
Ambient Air Quality Standards	HSC 39000-44071 MCAQMD Regulations 1-5	Establishes standards for emissions of chemical vapors and dust	Chemical
California Coastal Act	Public Resources Code Division 20	Establishes permitting requirements and conditions for any "development" which remedial activities qualify as.	Location/ Action
California Environmental Quality Act	PRC Division 13	Mandates environmental impact review of projects approved by governmental agencies	Action
California Hazardous Substances Account Act	HSC 25300-25395.15	Establishes site mitigation and cost recovery programs	Action
California Hazardous Waste Control	HSC 5100-25250.26	Establishes hazardous waste control measures	Action
California Department of Toxic Substances Control Screening Levels	Department of Toxic Substances Control, Human Health Risk Assessment Note 3, DTSC-modified Screening Levels, April 2019	Modified screening levels based on the U.S. Environmental Protection Agency (USEPA) Regional Screening Levels (RSLs) for use in the human health risk assessment process at hazardous waste sites and permitted facilities	Chemical
City of Fort Bragg Grading Permit Requirements and Procedures	Title 18, Chapter 18.60 et. seq.	Establishes requirements for excavation and grading	Location/ Action
City of Fort Bragg, Coastal General Plan Policy	Open Space Element	Includes several policies addressing development in Environmental Sensitive Habitat Areas (ESHA), rivers, streams, riparian habitat, public access, water quality	Location
City of Fort Bragg, Coastal General Plan Policy	Safety Element	Includes several policies addressing safe development within coastal zone, including along bluff and beaches	Location
City of Fort Bragg, Coastal General Plan Policy	Community Design Element	Includes several policies addressing design issues like views, scenic areas, alteration of landforms	Location
Cover, grading, and alternative design requirements	27 CCR 21090(a)(1) through (3) and (b)(1)	Establishes criteria for cover and grading. Alternative cover designs are also acceptable.	Action
Discharges of Hazardous Waste to Land	Title 23, California Code of Regulations, Division 3, Chapter 15	Applies to discharge of waste	Action
Emission Standard	MCAQMD Regulation 1 Chapters 1, 2 and 4	Establishes emission standards and permitting requirements for equipment and dust	Action
Identification and listing of hazardous waste	HSC 25100 et. seq. 22 CCR 66261	Establishes criteria for characterization and classification of remediation waste.	Chemical/Action
Manifest System, Record-Keeping, Reporting and Transportation of Hazardous Waste	22 CCR Chapter 13	Governs transportation of hazardous materials	Action
Occupational Health and Safety	8 CCR GISO 5192	Establishes worker health and safety requirements	Action
Porter-Cologne Water Quality Control Act	California Water Code, Section 13000	Establishes policy for preservation and enhancement of the beneficial uses of the waters of the state	SWRCB
Relevant Policies for the Protection and Conservation of Fish and Wildlife	California Fish and Game Code Section 2014	Requires conservation of natural resources and prevention of the willful or negligent destruction of birds, mammals, fish, reptiles, or amphibia.	Location/ Action
	California Fish and Game Code Section 1600	Establishes protection and conservation of the fish and wildlife resources.	Location/ Action
Remedial Action Plan Policy	EO-95-007-PP	Guidance and framework to develop a remedial action plan	TBC

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Requirements for Substances Deleterious to Fish and Wildlife	California Fish and Game Code Section 5650	Makes it unlawful to deposit into, permit to pass into, or place where it can pass into the waters of the state certain specified pollutants.	Chemical/ Action
Site Investigation and Remediation Order	Docket No. HSA-RAO 06-07-150	Establishes requirements for investigation and site remediation	Action
State PCB Requirements	22 CCR 66261.113	Establishes standards to disposal of PCBs	Chemical/ Action
State Water Resources Control Board (SWRCB) Resolution No. 68-16	SWRCB, 1968	Establishes policy for the regulation of discharges to waters of the state.	TBC
SWRCB Resolution No. 92-49	SWRCB, 1996 California Water Code Section 13304	Establishes policies and procedures for investigation and cleanup and abatement of discharges.	TBC
Stockpiling Requirements of Contaminated Soil	HSC 25123.3(a)(20)	Establishes standards for stockpiling of non-RCRA contaminated soil	Location/ Action
Supplemental Guidance for Human Health Multimedia Risk Assessments of Hazardous Waste Sites and Permitted Facilities; Guidance for Ecological Risk Assessment at Hazardous Waste Sites and Permitted Facilities	DTSC, 1996 CalEPA, 2015	Guidance and framework to assess human and ecological risks	TBC
Title 22, California Hazardous Waste Control Act of 1972	22 CCR 66260.1 et seq.	Establishes criteria for determining waste classification for the purposes of transportation and disposal of wastes	Chemical/ Action
	22 CCR 66262.1 et seq.	Establishes standards applicable to generators of hazardous waste	Action
	22 CCR Chapter 18	Identifies hazardous waste restricted from land disposal unless specific treatment standards are met	Chemical/ Action
Title 27, Division 2 of the California Code of Regulations	27 CCR 20005 et seq.	Regulation of solid waste	Chemical/ Action
Water Quality Control Plan for the North Coast Region	Basin Plan, June 2018	The North Coast Basin Plan is designed to provide a definitive program of actions to preserve and enhance water quality and protect beneficial uses of all regional waters.	Action/ Chemical/ Location
Water Quality Control Plan for Ocean Waters of California (California Ocean Plan), 2012, Effective August 19, 2013	State Water Resources Control Board Resolutions Nos. 2012-0056; 2012-0057	Addresses degradation of marine communities or other exceedances of water quality objectives due to waste discharges.	Action/ Chemical/ Location
Ocean Protection Council Sea Level Rise Guidance	State of California Sea-Level Rise Guidance, 2018 Update	The Guidance provides: 1) a synthesis of the best available science on sea-level rise projections and rates for California; 2) a stepwise approach for state agencies and local governments to evaluate those projections and related hazard information in decision-making; and 3) preferred coastal adaptation approaches." Most current version of guidance will be considered when permit applications are prepared.	TBC
Native American Consultation and Cultural Protection	California Public Resources Code Section 21080.3.1	Requires that lead agency consult with Native American tribe that is traditionally and culturally affiliated with the geographical area prior to release of negative declaration or environmental impact report for a project.	Location

Notes:

ARAR - Applicable or Relevant and Appropriate Requirements
 CalEPA - California Environmental Protection Agency
 CCR – California Code of Regulation
 CFR – Code of Federal Regulation
 CHHSLs - California Human Health Screening Levels
 DTSC - Department of Toxic Substances Control
 GISO - General Industry Safety Order
 HSC - Health and Safety Code
 MCAQMD – Mendocino County Air Quality Management District

NCRWQCB - North Coast Regional Water Quality Control Board
 PCB - polychlorinated biphenyl
 PRC - Public Resource Code
 RCRA - Resource Conservation and Recovery Act
 SWRCB – State Water Resources Control Board
 TBC - to be considered
 USC – United States Code
 USCA – United States Code Annotated
 USEPA - United States Environmental Protection Agency

References:

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 California Coastal Commission (CCC). 2018. Sea Level Rise Policy Guidance. July. https://documents.coastal.ca.gov/assets/climate/2018ScienceUpdate_website_7.20.18.pdf