

Applicable or Relevant and Appropriate Requirements

PRESUMPTIVE STATE ARARs FOR CERCLA REMOVAL ACTIONS

If surface water impacted by contamination (i.e. on-site releases causing exceedences of State water quality standards) or removal activities will impact surface water (i.e. activities will result in a discharge to State waters):

Colorado Basic Standards and Methodologies for Surface Water (5 CCR 1002-31, pursuant to CRS § 25-8-101 et. seq.)

Colorado Surface Water Quality Classifications and Numeric Standards for the Gunnison and Lower Dolores River Basins (5 CCR 1002-Regulation 35, pursuant to CRS §§ 25-8-203 and 204)

Colorado Discharge Permit System Regulations (5 CCR 1002-61, pursuant to CRS § 25-8-503)

Colorado Effluent Limitations (5 CCR 1002-62, pursuant to CRS § 25-8-305)

Colorado Primary Drinking Water Standards (5 CCR 1003-1, pursuant to CRS § 25-1.5-203)

If on or off-site ground water is contaminated by on-site releases:

Colorado Groundwater Standards (5 CCR 1002-8 §§ 3.11.0-3.11.8 and 1002-41, pursuant to CRS § 25-8-101 et. seq.)

Colorado Groundwater Protection Standards (6 CCR 1007-3 [SUBJECT TO BEVILL EXEMPTION])

If removal activities will result in discharges to storm sewers:

Colorado Regulations Controlling Discharges to Storm Sewers (5 CCR 1002-61, pursuant to CRS § 25-8-501)

If removal activities involve disposal of solid waste (i.e. disposal of excavation or demolition materials; waste capping in place; or siting, construction and maintenance of a waste repository)

Colorado Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, pursuant to CRS § 30-20-100.5 et. seq.)

If removal activities involve generating, handling, transporting or disposing of hazardous waste:

Colorado Hazardous Waste Regulations (6 CCR 1007-3, pursuant to CRS § 25-15-101 et. seq. [SUBJECT TO BEVILL EXEMPTION])

If removal activities involve removing, storing, transporting or stockpiling excavated materials or result in the generation of dust:

Colorado Fugitive Dust Control Plan/Opacity Regulation No.1. (5 CCR 1001-3, pursuant to CRS § 25-7-101 et. seq.)

If removal activities involve demolishing or disposing of asbestos-containing materials:

Colorado Asbestos Waste Management Regulations (6 CCR 1007-2 § 5)

Colorado Air Quality Control Commission Regulation No. 8, Asbestos Control (5 CCR 1001-10, No. 8 Part B, pursuant to CRS § 25-7-101 et. seq)

If removal activities address areas impacted by hard rock mining: (i.e. adit discharge control, reclamation of waste rock or revegetation):

Colorado Mined Land Reclamation Regulations (2 CCR 407-1 Rule 3, pursuant to CRS § 34-32-101 et. seq.)

If using Biosolids:

Colorado Biosolids Regulations, (5 CCR 1002-64)

If removal activities have the potential to influence the spread of noxious weeds (i.e. involving revegetation or excavation of areas containing noxious weeds):

Colorado Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act. (8 CCR 1206-2, pursuant to CRS § 35-5.5-101 et. seq.)

If removal activities are potentially detrimental to wildlife (i.e. impacts to threatened and endangered species including modification to critical habitat):

Colorado Wildlife Commission Regulations (2 CCR 406, pursuant to CRS § 33-2-101 et. seq.)

If removal activities include collecting aquatic wildlife (i.e. fish shocking):

Colorado Regulations on the Collection of Aquatic Life, (2 CCR 406-8, § 1316)

If removal activities occur within a Colorado designated “natural area”:

Colorado Natural Areas, (CRS § 33-33-104)

If removal activities potentially impact state historic resources:

Colorado Historic Preservation Regulations (8 CCR 1504-7, pursuant to CRS § 24-80-101 et. seq.)

If storage tanks present on site:

Colorado Department of Labor and Employment, Division of Public Safety, Storage Tank Regulations. (7 CCR 1101-14, pursuant to CRS § 8-20.5-101 et. seq.)

If removal activities occur in a land use zone requiring noise control:

Colorado Noise Abatement Statute, (CRS § 25-12-101 et. seq.)

**FEDERAL ARARs FOR CERCLA
REMOVAL ACTIONS**

Prohibits discharge of dredged or fill material into waters of the United States.

Protection of Wetlands Order: 40 CFR Part 6, Appendix A, Exec Order 11,990

Establishes procedures to provide for preservation of historical and archeological data which might be destroyed through alteration of terrain as a result of Federal construction project or a Federally licensed activity or program.

Archeological and Historic Preservation Act; 16 U.S.C. 469, 40 CFR 6.301(c)