ATTACHMENT K

SYDCOL WASTE TRANSFER FACILITY

OTHER FEDERAL LAWS

[40 CFR 270.14(b)(20)]

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1.0 RCRA

RCRA is EPA's primary authority for regulating solid and hazardous wastes. The goal of the RCRA of 1976 is the protection of human health and the environment, the reduction of waste, the conservation of energy and natural resources, and the elimination of the generation of hazardous waste as expeditiously as possible. The Hazardous and Solid Waste Amendments of 1984 significantly expanded the scope of the RCRA by adding new corrective action requirements, land disposal restrictions, and technical requirements. The corresponding regulations in 40 CFR 260–299 provide the general framework for managing hazardous waste, including requirements for entities that generate, store, transport, treat, and dispose of hazardous waste and are the subject of this RCRA application.

2.0 CERCLA AND SARA OF 1986

Congress enacted the CERCLA, commonly known as Superfund, on December 11, 1980. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites; provided for liability of persons responsible for releases of hazardous waste at these sites; and established a trust fund to provide for cleanup when no responsible party could be identified. The Superfund Amendments and Reauthorization Act amended CERCLA on October 17, 1986. There are currently no closed and abandoned hazardous waste sites at the Facility subject to CERCLA.

3.0 EXTREMELY HAZARDOUS SUBSTANCES LIST (40 CFR 355 APP A)

This list is part of a regulation that establishes requirements for a facility to provide information necessary for developing and implementing State and local chemical emergency response plans, and requirements for emergency notification of chemical releases, including releases of Extremely Hazardous Substances as defined by the Comprehensive Environmental Response, Compensation, and Liability Act. The Facility does not manage extremely hazardous substances and therefore these standards are not applicable.

4.0 CHEMICAL ACCIDENT PREVENTION PROVISIONS (40 CFR 68)

The chemical accident prevention provisions were adopted to address chemical accident prevention at facilities using extremely hazardous substances. The provisions require all facilities that use or handle certain flammable and toxic materials to prepare a Risk Management Plan (RMP) that describes the materials used over the previous 5 years, a worst-case accident scenario and alternatives, a prevention program, and an emergency response program. New RMPs are required every 5 years. The Facility will not manage extremely hazardous substances such that the chemical accident prevention provisions do not apply.

5.0 ENDANGERED SPECIES ACT

The ESA provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The lead federal agencies for implementing ESA are the U.S. Fish and Wildlife Service (FWS) and the U.S. National Oceanic and Atmospheric Administration (NOAA) Fisheries Service. The FWS maintains a worldwide list of endangered species. Species include birds, insects, fish, reptiles, mammals, crustaceans, flowers, grasses, and trees.

The law requires federal agencies, in consultation with the FWS and/or the NOAA Fisheries Service, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. The law also prohibits any action that causes a "taking" of any listed species of endangered fish or wildlife. Likewise, import, export, interstate, and foreign commerce of listed species are all generally prohibited.

The Facility is owned and operated by private enterprises and located on private land such that federal consultation with the FWS or NOAA Fisheries is not required. Based on information provided by the FWS' Information for Planning and Consultation web-based portal (https://ecos.fws.gov/ipac/), the site location is not within any designated critical habitat areas. Known threatened and endangered species in the vicinity of the Facility include the Southwestern Willow Flycatcher, the Yellow-Billed Cuckoo, and Yuma Clapper Rail, all bird species, and the Razorback Sucker, an endangered fish found in perennial rivers and streams. The Project is not expected to result in a taking of any listed or endangered fish or wildlife.

6.0 EMERGENCY PLANNING COMMUNITY RIGHT-TO-KNOW ACT

Also known as Title III of SARA, the EPCRA was enacted by Congress as the national legislation on community safety. This law was designated to help local communities protect public health, safety, and the environment from chemical hazards. To implement the EPCRA, Congress required each state to appoint a State Emergency Response Commission. The commissions were required to divide their states into Emergency Planning Districts and to name a Local Emergency Planning Committee for each district. The EPCRA provides requirements for emergency release notification, chemical inventory reporting, and toxic release inventories for facilities that handle chemicals.

7.0 FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

The Federal Insecticide, Fungicide, and Rodenticide Act provides for federal regulation of pesticide distribution, sale, and use. All pesticides distributed or sold in the United States must be registered (licensed) by EPA. Before EPA may register a pesticide under the act, the applicant

must show, among other things, that using the pesticide according to specifications "will not generally cause unreasonable adverse effects on the environment."

8.0 FISH AND WILDLIFE COORDINATION ACT

The Fish and Wildlife Coordination Act (FWCA) of the United States was enacted March 10, 1934 to protect fish and wildlife when federal actions result in the control or modification of a natural stream or body of water. The Act provides the basic authority for the involvement of the FWS in evaluating impacts to fish and wildlife from proposed water resource development projects. The Facility will not be impacting natural streams or bodies of water and the Facility is not subject to the FWCA.

9.0 HAZARDOUS MATERIALS TRANSPORTATION ACT

The Hazardous Materials Transportation Act was passed in 1975 to provide adequate protection against the risks to life and property associated with the transportation of hazardous material by creating a regulatory framework to address potential threats to health, welfare, and safety. A hazardous material, as defined by the Secretary of Transportation, is any "particular quantity or form" of a material that "may pose an unreasonable risk to health and safety or property" (OHSA n.d.).

10.0 HAZARDOUS WASTE TRANSPORTATION REGULATIONS (49 CFR 171, 180)

These regulations are standards for the transport of hazardous materials and hazardous wastes established by the DOT. The standards include requirements for labeling, packaging, and shipping hazardous materials and hazardous wastes, as well as training requirements for personnel completing shipping papers and manifests. The Facility is compliant with all provisions of DOT hazardous waste regulations.

11.0 INTERNATIONAL FIRE CODE

The International Fire Code (IFC), created by the International Code Council, is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The IFC regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The IFC and the International Building Code use a hazard classification system to determine what protective measures are required to protect life safety in relation to fire. These measures may include construction standards, separations from property lines, and specialized equipment. To ensure that these safety measures are met, the IFC employs a permit system based on hazard classification. The IFC is updated every 3 years.

12.0 NATIONAL HISTORIC PRESERVATION ACT

The National Historic Preservation Act (NHPA) is a federal statute intended to preserve historical and archaeological sites. The act created the National Register of Historic Places, the list of National Historic Landmarks, and provided for the establishment of State Historic Preservation Offices, including the Arizona State Historic Preservation Office (ASHPO). The Facility is owned and operated by private enterprises and located on developed private land such that historic preservation consultation is not required.

13.0 OCCUPATIONAL SAFETY AND HEALTH ACT

The Occupational Safety and Health Administration (OSHA) administers the Occupational Safety and Health Act, which requires special training for handlers of hazardous materials, notification to employees who work in the vicinity of hazardous materials, and acquisition of material safety data sheets from the manufacturer. A material safety data sheet describes the proper use of hazardous materials. The act also requires training of employees to remediate any hazardous material accidental releases.

14.0 WILD AND SCENIC RIVERS ACT

The National Wild and Scenic Rivers Act (NWSRA) of 1968 established a system to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The NWSRA is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection. There are no NWSRA designated rivers in Yuma County such that the NWRSA protections are not implicated at the Facility.