

Laws Related to the Merger Process

THE "UMBRELLA"

1. National Environmental Policy Act of 1969

PHYSICAL ENVIRONMENT

1. Clean Air Act of 1970, as amended
2. Clean Water Act of 1977, as amended
3. Comprehensive Environmental Response, Compensation and Liability Act of 1980
4. Noise Control Act of 1972
5. Resource Conservation and Recovery Act of 1976, as amended
6. Safe Drinking Water Act of 1944, as amended

NATURAL ENVIRONMENT

1. Endangered Species Act of 1973
2. Executive Order 11990, Protection of Wetlands
3. Executive Order 12962, Recreational Fisheries
4. Executive Order 13112, Invasive Species
5. Fish and Wildlife Coordination Act of 1934
6. Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat)
7. Marine Mammal Protection Act of 1972
8. Marine Protection Research and Sanctuaries Act of 1972
9. Migratory Bird Treaty Act

SPECIAL STATUS LAND USE

1. Coastal Barrier Resources Act of 1982
2. Coastal Zone Management Act of 1972
3. Executive Order 11988, Floodplain Management
4. Land and Water Conservation Fund Act of 1964, as amended Section 6(f)
5. National Flood Insurance Reform Act of 1994
6. National Trails System Act of 1968
7. Presidential Memo (Wild and Scenic Rivers and National Trails)
8. Rivers and Harbors Appropriation Act of 1899 (Sections 9 and 10)
9. Wild and Scenic Rivers Act of 1968
10. Wilderness Act of 1964
11. National Wildlife Refuge System Improvement Act of 1997
12. NC Coastal Area Management Act of 1974

COMMUNITY IMPACTS

1. American Indian Religious Freedom Act of 1978
2. Civil Rights Act of 1964 (Title VI)
3. Executive Order 12250 (Leadership and Coordination of Nondiscrimination Laws)
4. Executive Order 12898 Environmental Justice
5. Executive Order 12948 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations)-amended EO 12898
6. Executive Order 13007 (Indian Sacred Sites)
7. Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments) Note: revoked by EO 13175
8. Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments)
9. Farmland Protection Policy Act of 1981
10. Public Hearings, 23 USC 128
11. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
12. Administrative Dispute Resolution Act of 1996
13. Freedom of Information Act, as amended in 2002

CULTURAL RESOURCES

1. Antiquities Act of 1906
2. Archaeological and Historical Preservation Act of 1974
3. Archeological Resources Protection Act of 1979
4. Department of Transportation Act of 1966 (Section 4(f))
5. Executive Order 11593 - Protection and Enhancement of Cultural Environment
6. Historic Bridges, Surface Transportation and Uniform Relocation Act of 1987 (Section 123(f))
7. Historic Sites, Buildings and Antiquities Act of 1935
8. National Historic Preservation Act of 1966 (Section 106)
9. National Historic Preservation Act of 1966 (Section 110)
10. Native American Graves Protection and Repatriation Act of 1990
11. Reservoir Salvage Act of 1960

TRANSPORTATION/ENVIRONMENTAL STREAMLINING

1. Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)
2. Transportation Equity Act for the 21st Century (TEA-21)
3. Safe, Accountable, Flexible, Efficient Transportation Equity Act - Legacy for Users (SAFETEA-LU) of 2005
4. Federal-Aid Highway Act, Section 109(h)

Administrative Dispute Resolution Act of 1996, as amended

Purpose: The Act is intended to provide a means of resolving disputes as an alternative to litigation in Federal court.

General Applicability: FHWA and other Federal agencies may address unresolved environmental disputes by using alternative techniques for handling dispute resolution.

American Indian Religious Freedom Act of 1978, as amended

Preamble (from Section 1996): To protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

Purpose: Protect places of religious importance to American Indians, Eskimos, and Native Hawaiians.

General Applicability: All projects affecting places of religious importance to Native Americans.

FHWA Applicability: Places of religious importance are eligible for the National Register, thus Section 106 of the NHPA is applicable if Federal funds are used.

Antiquities Act of 1906

Purpose: The Act provides for the protection of historic or prehistoric remains on Federal lands; establishes criminal sanctions for unauthorized destruction or appropriation of antiquities; authorizes the President to declare by proclamation national monuments; and authorizes the scientific investigation of antiquities on Federal lands, subject to permit and regulations. Later strengthened by the Archeological Resources Protection Act of 1979.

Applicability: Historic or prehistoric remains on Federal lands. Although there is no specific mention of natural or paleontological resources in the Act itself or in the Act's uniform rules and regulations, "objects of antiquity" has been interpreted to include fossils by the National Park Service (NPS) and the Bureau of Land Management (BLM).

Archaeological and Historical Preservation Act of 1974

Purpose: This Act provides for the preservation of historical and archeological data. It extends coverage to all Federal and federally-assisted or licensed programs which alter the terrain and potentially cause loss of scientific, pre-historical, historical or archeological data and requires that the agency notify the Secretary of the Interior of the threat. It also provides for the use of up to 1 percent of project funds for survey and mitigation. The federal agency may undertake the survey or recovery of data, or it may request the Secretary of the Interior to do so. If the agency itself undertakes the survey and recovery, it must provide the Secretary of the Interior with a report. Note: the AHPA amended the Reservoir Salvage Act.

FHWA Applicability: FHWA interprets the AHPA as reinforcing the broad mandates and responsibilities set forth in NEPA and Section 106 of the NHPA.

Archaeological Resources Protection Act of 1979

Purpose: To secure the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data.

Applicability: All public and Indian lands. Archaeological resource must be at least 100 years old.

Civil Rights Act of 1964 (Title VI), as amended

Purpose: Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination in federally assisted programs. The Act stipulates that no person in the United States shall, on the ground of race, color, national origin age, sex, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Applicability: All Federal programs and projects.

Clean Air Act of 1970, as amended

Purpose: The Clean Air Act is the comprehensive Federal law that regulates air emissions from area, stationary, and mobile sources. This law authorizes the U.S. Environmental Protection Agency to establish National Ambient Air Quality Standards (NAAQS) to protect public health and the environment. The goal of the Act was to set and achieve NAAQS in every state by 1975. The setting of maximum pollutant standards was coupled with directing the states to develop state implementation plans (SIP's) applicable to appropriate industrial sources in the state. The Act was amended in 1977 primarily to set new goals (dates) for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines. The 1990 amendments to the Clean Air Act in large part were intended to meet unaddressed or insufficiently addressed problems such as acid rain, ground-level ozone, stratospheric ozone depletion, and air toxics. The 1990 amendments also significantly strengthened "conformity" requirements for Federal actions including transportation projects and funding.

Applicability: FHWA is required to ensure that local, regional and State planning agencies include Federally-funded projects within their conformity analyses. On a project basis, areas that are in 'non-attainment' are required to demonstrate through project air modeling and emission projections do not further contravene air quality standards.

Clean Water Act of 1977, as amended

Purpose: Restore and maintain the chemical, physical, and biological integrity of the Nation's waters through prevention and elimination of pollution. The Clean Water Act amended the Federal Water Pollution Control Act of 1972 and was itself amended by the Water Quality Act of 1987. The Clean Water Act includes many provisions to protect and restore waters of the U.S. It includes requirements and standards for wastewater, stormwater, ocean discharges, non-point source discharges, point source discharges ("NPDES permits" under Section 402), and dredge and fill activities under Section 404. Section 401 of the Act addresses the general permit requirements for State issued water quality certifications.

Applicability: Any discharge of a pollutant into waters of the United States. Section 404 addresses the general standards and requirements for the dredge and fill material activities covered under ACE permitting authorities. Section 401 of the Act is applicable with regards to DWQ '401' water quality certifications/permits required for transportation projects.

Coastal Area Management Act of 1974

Purpose: A State of North Carolina law (G.S. 113A) that established a cooperative program of coastal area management between local and State governments. State government established areas of environmental concern (AECs) and local government would perform the planning activities. The Act set primary guidelines and standards for protection, preservation and conservation of natural resources within the coastal area, economic development of the coastal area, recreation and tourism, and transportation for the coastal area. The Act created the Coastal Resources Commission. The Act defined the coastal area of the State, which includes 20 counties.

Applicability: FHWA (or State-funded NCDOT) projects within the coastal area may be required to obtain a CAMA permit for activities that potentially impact AECs.

Coastal Barrier Resources Act of 1982, as amended (by the Coastal Barrier Improvement Act of 1990)

Purpose: Minimize the loss of human life, wasteful expenditures of Federal revenues, and the damage to fish, wildlife, and other natural resources.

Applicability: Any project that may occur within the boundaries of a designated coastal barrier unit. Exemptions for certain actions are possible.

Coastal Zone Management Act of 1972, as amended

Purpose: Preserve, protect, develop, and (where possible, restore and enhance resources of the coastal zone).

Applicability: All projects significantly affecting areas under the control of the State Coastal Zone Management Agency (CZMA).

Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended

Purpose: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment (whereas RCRA focuses on active and future facilities). Through the Act, EPA was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. EPA cleans up orphan sites when potentially responsible parties cannot be identified or located, or when they fail to act. Through various enforcement tools, EPA obtains private party cleanup through orders, consent decrees, and other small party settlements. EPA also recovers costs from financially viable individuals and companies once a response action has been completed. EPA is authorized to implement the Act in all 50 states and U.S. territories. Superfund site identification, monitoring, and response activities in states are coordinated through the state environmental protection or waste management agencies. CERCLA was later amended by amended by the Superfund Amendments and Reauthorization Act (SARA).

Applicability: Any project that might take right-of-way containing a hazardous substance.

Department of Transportation Act of 1966, Section 4(f)

Purpose: Preserve publicly owned public parklands, recreation areas, waterfowl and wildlife refuges, and significant historic sites.

Applicability: Whenever a US Department of Transportation action involves the "use" of a significant publicly owned public parklands, recreation areas, wildlife and waterfowl refuges, and all significant historic sites.

Endangered Species Act of 1973

Purpose: Conserve species of fish, wildlife and plants facing extinction.

Applicability: Any action that is likely to jeopardize continued existence of such endangered or threatened species or result in destruction or modification of critical habitat.

Executive Order 11593 (Protection and Enhancement of Cultural Environment)

Purpose: This order requires Federal agencies to take a leadership role in preservation by surveying all lands under their ownership or control and nominating to the National Register of Historic Places all properties which appear to qualify. It also requires agencies to avoid inadvertently destroying such properties prior to completing their inventories.

Applicability: Codified as part of the 1980 amendments to the National Historic Preservation Act.

Executive Order 11988 (Floodplain Management)

Purpose: This order directs all federal agencies to avoid the long-and short-term adverse impacts associated with the modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative and to restore and preserve the natural and beneficial values served by floodplains.

Applicability: All construction of federal or federally-aided buildings, structures, roads, or facilities which encroach upon or affect the base floodplain.

Executive Order 11990 (Protection of Wetlands)

Purpose: This order establishes a national policy to avoid adverse impacts on wetlands wherever there is a practicable alternative.

Applicability: Federally undertaken, financed, or assisted construction, and improvements in or with significant impacts on wetlands.

Executive Order 12898 (Environmental Justice)

Purpose: EO 12898 directs each federal agency to develop a strategy to address environmental justice concerns in its programs, policies and regulations. The intent of the order is to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment.

Applicability: All federal programs and projects.

Executive Order 12962 (Recreational Fisheries)

This order directs that federal agencies shall, to the extent permitted by law and where practicable, improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities. This executive order requires evaluation and documentation of the effects caused by federally funded, permitted, or authorized actions on aquatic systems, fishing access, and recreational fisheries. Provisions of this Executive Order are implemented through the NEPA process.

Executive Order 13007 (Indian Sacred Sites)

Purpose: Accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites.

Applicability: All federal lands.

Executive Order 13112 (Invasive Species)

Purpose: This order is intended to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause. Revokes: EO 11987. The Executive Order directs federal agencies to expand and coordinate their efforts to combat the introduction and spread of plants and animals not native to the United States. The Federal Highway Administration has developed guidance's to implement the E.O. which provides a framework for preventing the introduction of and controlling the spread of invasive plant species on highway rights-of way. Under the E.O., federal agencies cannot authorize, fund, or carry out actions that it believe are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless all reasonable measures to minimize risk of harm have been analyzed and considered. This means that Federal-aid and Federal Highway Program funds cannot be used for construction, revegetation, or landscaping activities that purposely include the use of known invasive species. Determinations of the likelihood of introducing or spreading invasive species and a description of measures being taken to minimize their potential harm should be part of any process conducted to

fulfill agency responsibilities under NEPA. Considerations of invasive species should occur during all phases of the environmental process to fulfill the requirements of NEPA. Until the National Vegetation Management Plan specified in the E.O. is completed, NEPA analyses should rely on each State's noxious weed list to define the invasive plants that must be addressed and the measures to be implemented to minimize their harm.

Applicability: All Federal agencies whose actions may affect the status of invasive species.

Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

Purpose: Establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes.

Applicability: All federal programs, projects, regulations and policies that have Tribal Implications.

Farmland Protection Policy Act of 1981

Purpose: Minimize impacts on farmland and maximize compatibility with state and local farmland programs and policy.

Applicability: All projects that take right-of-way in prime or unique, or statewide or locally important farmland, as defined by the regulation. Requires that FHWA evaluate potential farmland impacts in the environmental document and avoid and minimize impacts to prime or unique farmlands.

Federal-Aid Highway Act, Section 109(h)

Purpose: Assures that possible adverse, social, economic and environmental (SEE) effects of proposed highway projects and project locations are fully considered and that final decisions on highway projects are made in the best overall public interest.

Applicability: Planning and development of proposed projects on any Federal-Aid system for which the FHWA approves the plans, specifications, and estimates (PS&E) or has the responsibility for approving a program.

Fish and Wildlife Coordination Act of 1934, as amended

Purpose: Conservation, maintenance, and management of wildlife resources.

Applicability: This act applies to any federal project where the waters of any stream or other body of water are impounded, diverted, deepened or otherwise modified.

Freedom of Information Act, as amended in 2002

Purpose: Ensuring public access to U.S. Government records. The Act carries a presumption of disclosure to the public on project planning decisions, policies, etc.

Applicability: This Act applies to all FHWA funded projects. All records must be disclosed to the public upon request unless the information can be lawfully withheld under one of nine specific exemptions contained in the Act.

Historic Sites, Buildings and Antiquities Act of 1935

Purpose: This Act authorizes the Historic American Buildings Survey and the Historic American Engineering Record and the National Survey of Historic Sites; authorizes the establishment of national historic sites and designation of national historic landmarks; and authorizes interagency, intergovernmental, and interdisciplinary efforts for the preservation of cultural resources.

Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991

Purpose: This act made broad changes in the way transportation decisions are made by emphasizing diversity and balance of modes. The law expired in 1997, but much of the program's key elements were carried forward by the Transportation Equity Act for the 21st Century (TEA-21). Under ISTEA, USDOT, USACE and USEPA began 'merging' efforts between the Section 404 permitting and the NEPA decision-making processes.

Land and Water Conservation Fund Act of 1964, as amended (Section 6(f))

Purpose: Preserve, develop, and assure the quality and quantity of outdoor recreation resources for present and future generations.

Applicability: All projects impacting recreational lands purchased or improved with land and water conservation funds. This Act provides funding to preserve and develop recreational lands.

Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat)

Purpose: Congress defined Essential Fish Habitat (EFH) for federally managed fish species as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." The conservation of essential fish habitat is an important component of building and maintaining sustainable fisheries.

Applicability: The EFH requires Federal agencies that authorize, fund, or conduct activities that "may adversely affect" EFH to work with the National Marine Fisheries Service (NMFS) to develop measures that minimize damage to EFH. In North Carolina, only CAMA counties are affected.

Marine Mammal Protection Act of 1972, as amended

Purpose: The Marine Mammal Protection Act (MMPA) established a moratorium, with certain exceptions, on the taking of marine mammals in U.S. waters and by U.S. citizens on the high seas, and on the importing of marine mammals and marine mammal products into the United States.

Marine Protection, Research and Sanctuaries Act of 1972

Purpose: Title I relates to the ocean dumping permit program. Title II relates to ocean dumping research. Title III authorizes the Secretary of Commerce to designate certain areas as National Marine Sanctuaries (the only designated National Marine Sanctuary in North Carolina is the site of the USS Monitor located off Cape Hatteras).

Applicability: Any transportation to and dumping into the open sea. Any project affecting a National Marine Sanctuary.

Migratory Bird Treaty Act (MBTA)

Purpose: To protect most common wild birds found in the United States.

General Applicability: Makes it unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird.

FHWA Applicability: The indirect killing of birds by destroying their nests and eggs is covered by the Act, so construction in nesting areas during nesting seasons can constitute a taking. Bridge rehabilitation/removal and clearing/grubbing are the types of projects most likely to affect nesting areas. If nests are present on bridges, methods to exclude birds from the bridge and prevent nesting activity might be undertaken, prior to the nesting season. Such methods might include: netting, removal of existing nests, and other aversion approaches. If these methods aren't effective then construction avoiding the nesting season might be required. Clearing and grubbing of potential nesting habitat during the nesting seasons should be avoided. Other construction activities can occur throughout the year on

the cleared areas. Clearing and grubbing of natural habitats should be minimized to such areas essential for proper safety measures and necessary construction.

National Environmental Policy Act of 1969, as amended (NEPA)

Purpose: NEPA requires all federal agencies to consider environmental factors through a systematic interdisciplinary approach before committing to a course of action. The NEPA process is an overall framework for the environmental evaluation of federal actions. The Act generally defines the criteria for when Federal actions are 'categorically excluded' (CEs) from NEPA and when Federal actions would require an Environmental Impact Statement (EIS). Under NEPA, Federal agencies were required to develop specific criteria as to what types of actions/projects would be processed under EISs, Environmental Assessments/Findings of No Significant Impact (EAs/FONSI) and CEs. FHWA regulatory criteria are contained at 23 CFR Part 771. The following quotation from NEPA describes the heart of the law.

"The Congress ... declares that it is the continuing policy of the federal Government ... to use all practicable means and measures, including financial and technical assistance ... to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans. " (42 USC 4331)

Applicability: All FHWA actions.

National Flood Insurance Reform Act of 1994

Purpose: Identify flood-prone areas and provide insurance. Requires purchase of insurance for buildings in special flood-hazard areas.

Applicability: Any Federally-assisted acquisition or construction project in an area identified as having special flood hazards.

National Historic Preservation Act of 1966, as amended (Section 106)

Purpose: This act declares a national policy of historic preservation to protect, rehabilitate, restore, and reuse districts, sites, buildings, structures, and objects significant in American architecture, history, archaeology and culture, and (Section 106) mandates that federal agencies take into account the effect of an undertaking on a property which is included in, or eligible for inclusion in, the National Register of Historic Places. The NHPA establishes the National Register of Historic Places, State Historic Preservation Offices and programs, and the Advisory Council on Historic Preservation.

Applicability: All properties on or eligible for inclusion on the National Register of Historic Places.

National Historic Preservation Act of 1966, as amended (Section 110)

Purpose: Protect National historic landmarks. Record historic properties prior to demolition.

Applicability: All properties designated as National historic landmarks. All properties on or eligible for inclusion on the National Register of Historic Places.

National Trails System Act of 1968

Purpose: Provide for outdoor recreation needs and encourage outdoor recreation.

Applicability: This act applies to projects affecting National scenic, historic, recreational and side/connecting trails designated by Congress and the lands through which such trails pass.

National Wildlife Refuge System Improvement Act of 1997

Purpose: To ensure that the National Wildlife Refuge System is managed for the protection and

conservation of the nation's wildlife resources and that activities on such public lands are compatible with long-term wildlife goals.

Applicability: This Act applies to proposed projects that might require right-of-way from a National Wildlife Refuge. A compatibility determination and special use permit is required by the FWS.

Native American Graves Protection and Repatriation Act of 1990

Purpose: Protect human remains and cultural material of Native American and Hawaiian groups.

Applicability: Actions on Federal and Tribal lands.

Noise Control Act of 1972

Purpose: Promulgate noise standards for highway traffic.

Applicability: All federally funded projects for the construction of a highway on new location, or the physical alteration of an existing highway which significantly changes either the vertical or horizontal alignment or increases the number of through-traffic lanes.

Public Hearings

Purpose: To ensure adequate opportunity for public hearings on the effects of alternative project locations and major design features, as well as the consistency of the project with local planning goals and objectives.

Applicability: Public hearings or hearing opportunities are required for projects described in each state's FHWA-approved public involvement procedures.

Reservoir Salvage Act of 1960

Purpose: This Act provides for the recovery and preservation of "historical and archaeological data" that might be lost or destroyed as a result of the construction of dams, reservoirs and attendant facilities.

Note: The Act was amended by the Archaeological and Historic Preservation Act.

FHWA Applicability: FHWA interprets the Act as reinforcing the broad mandates and responsibilities set forth in NEPA and Section 106 of the NHPA.

Resource Conservation and Recovery Act of 1976, as amended

Purpose: This act regulates the handling of hazardous waste sites for the protection of human health and the environment. RCRA amended earlier legislation (the Solid Waste Disposal Act of 1965), but the amendments were so comprehensive that the Act is commonly called RCRA rather than its official title. RCRA gave EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous wastes. The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances. RCRA focuses only on active and future facilities and does not address abandoned or historical sites (see CERCLA). The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that required phasing out land disposal of hazardous waste. Some of the other mandates of this strict law include increased enforcement authority for EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.

Applicability: Any project that takes right-of-way containing hazardous waste. Hazardous Waste Management and Standards for Owners and Operators (40-CFR-260-265) applies to projects that require excavation of hazardous waste. Covers Federal guidelines for removing and transporting hazardous waste. Excavation of soils that have contamination has to be judged against these standards:

1. Identification and listing of hazardous waste
2. Standards applicable to generators of hazardous waste
3. Standards applicable to transporters of hazardous waste

Standards for Management and Disposal Facilities (40 CFR 266-271) - This section of the Federal rule delegates authority to the State for hazardous waste management and underground storage tank programs.

Rivers and Harbors Appropriations Act of 1899 (Sections 9 & 10)

Purpose: Protection of navigable water in the United States.

Applicability: Any construction affecting navigable waters and any obstruction, excavation, or filling. Section 10 involves the creation of any obstruction and Section 9 addresses the construction of bridges, dams, causeways, etc. This Act requires permits for all structures such as riprap and activities such as dredging in navigable waters of the United States. Navigable waters are defined as those subject to the ebb and flow of the tide and susceptible to use in their natural condition or by reasonable improvements as means to transport interstate or foreign commerce. The ACE grants or denies permits based on the effects on navigation. Most activities covered under this Act are also covered under Section 404 of the Clean Water Act. All activities involving navigable waters of the United State require a Section 10 permit.

Safe, Accountable, Flexible, Efficient Transportation Equity Act - Legacy for Users (SAFETEA-LU) of 2005

Purpose: Reauthorization of TEA-21 emphasizing improvements in project delivery, simplifying the processing of Categorical Exclusion approvals, improvements between transportation planning and project development processes, making substantial improvements in surface transportation safety, etc. The Act identified 'de minimus' impacts to Section 4(f) properties in order to potentially address the overlap and differences between 49 U.S.C. 303 and Section 106 of the NHPA. The Act also stresses continued efforts to streamline project approvals and implementation and strengthens various environmental streamlining initiatives.

Safe Drinking Water Act of 1944, as amended

Purpose: Ensure public health and welfare through safe drinking water.

Applicability: All public drinking water systems and reservoirs (including rest area facilities). Actions that may have a significant impact on an aquifer or wellhead protection area and which are the sole or principal drinking water.

Transportation Equity Act for the 21st Century (TEA-21)

Purpose: Congressional act authorizing Federal surface transportation programs for highways, highway safety, and transit for a six-year period from 1998 to 2003. The Act identified numerous environmental streamlining and environmental stewardship initiatives.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended

Purpose: These acts, collectively known as the Uniform Act, as amended, provide for uniform and equitable treatment of persons displaced from their homes, businesses, non-profit associations, or farms by federal and federally-assisted programs, and establishes uniform and equitable land acquisition policies. The Act assures that such persons are treated fairly, consistently, and equitably, and so that they will not suffer disproportionate injuries.

Applicability: All projects involving federal funds.

Wild and Scenic Rivers Act of 1968, as amended

Purpose: Preserve and protect wild and scenic rivers and immediate environments for benefit of present and future generations.

Applicability: All projects which affect designated wild, scenic, and recreational rivers and immediate environment and rivers under study for inclusion into the system. The Act prohibits federal agencies from undertaking activities that would adversely affect the values for which the river was designated.

Wilderness Act of 1964, as amended

Purpose: This Act preserves and protects wilderness areas in their natural condition for use and enjoyment by present and future generations.

Applicability: All lands designated by Congress as part of the wilderness system.