



United States
Department of
Agriculture

Chairman,
Hazardous
Materials
Policy Council

Environmental Pollution Prevention, Control, and Abatement Manual

DM 5600-1

INTRODUCTION

The purpose of this manual is to serve as a directive for the prevention, control, and abatement of environmental pollution from Department of Agriculture facilities, administered lands, and activities. The manual provides objectives, policy, responsibilities, and technical standards and requirements under which the Department plans to manage the various environmental programs to achieve compliance with applicable pollution control standards.

The manual is divided into chapters with respect to the various media programs, including air, water, drinking water, hazardous waste, solid waste, hazardous substances, mixed hazardous and low-level radioactive waste, toxic substances, noise, pollution prevention, and oil pollution. The manual also contains chapters on overall Departmental policy, administration, planning, programming and budgeting.

Each manual chapter is divided into sections describing the purpose, scope, objectives, and agency responsibilities for the individual environmental programs under discussion. Each chapter also describes the basic substantive and procedural standards and general requirements and authorities that agencies must meet to achieve compliance when applicable.

USERS OF THIS MANUAL ARE REMINDED THAT THERE IS NO ADEQUATE SUBSTITUTE FOR THE ACTUAL STATUTES AND REGULATIONS. The manual is meant to be used as an introduction to the extensive and complex statutory and regulatory schemes. Agencies must keep apprised of the current statutes and regulations and refer to them to gain a full understanding of their obligations and responsibilities. Furthermore, agencies must consult with the Office of the General Counsel when issues regarding these statutes and regulations arise.

The technical regulations and standards are very dynamic in nature. The Environmental Protection Agency (EPA) periodically revises and updates environmental regulations and guidance documents. Also, applicable environmental standards and requirements established by individual States may be more stringent than the Federal standards and requirements. Therefore, USDA agencies should contact appropriate regulatory agencies in the earliest phase of individual project planning to determine the requirements for any particular facility or activity.

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**U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250**

AMENDMENT NO. <u> 2 </u> TO DEPARTMENTAL MANUAL		NUMBER: 5600-001
SUBJECT: ENVIRONMENTAL POLLUTION PREVENTION, CONTROL, AND ABATEMENT MANUAL	DATE OF AMENDMENT: December 1, 2000	
	OPI: CHAIRMAN, HAZARDOUS MATERIALS POLICY COUNCIL	

Amendment 2

1 PURPOSE

This amendment supercedes pages 47-77 and 147-162, issued on December 9, 1992, and adds new Chapters XII and XIII and a new Appendix A of the same title.

2 EXPLANATION OF CHANGES

This amendment replaces Chapter V, Comprehensive Environmental Response, Compensation, and Liability Act Program; renames and replaces Chapter XI, Planning, Budget Preparation, Program Management, and Accomplishment Reporting; adds a new Chapter XII, Emergency Oil Discharge and Hazardous Materials Response Program and a new Chapter XIII, Low-level Radioactive/Mixed Waste Management and Burial Site Cleanup Program; and replaces Appendix A.

3 FILING INSTRUCTIONS

Remove Pages

Table of Contents i-v dated 6-25-99
47-77 dated 12-9-92
147-162 dated 12-9-92

Insert Pages

Table of Contents i-v dated 12/1/00
47- 49 dated 12/1/00
147-162 dated 12/1/00

4 MAINTENANCE OF MANUAL

The Chairman of the Hazardous Materials Policy Council will be responsible for the issuance of any amendments to this manual. The manual will be updated on a continuing basis related to significant changes in standards that may be necessary to achieve compliance with new or revised requirements.

5 AGENCY SUPPLEMENTATION

Consistent with USDA policies, agencies may supplement this manual with agency policy and direction as necessary. However, agency supplements may not be issued on white or yellow paper. Copies of all agency supplements should be forwarded to the Hazardous Materials Management Group for review and approval by the Hazardous Materials Policy Council.

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND
LIABILITY ACT PROGRAM

Chapter V

1 PURPOSE

This chapter prescribes Department of Agriculture (USDA) authorities and policies for complying with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund; applicable Executive Orders issued under CERCLA; and the Governmental Performance and Results Act (GPRA) in relation to environmental cleanup and restoration of natural resources effected by the release or potential release of hazardous substances into the environment.

2 SCOPE

The provisions of this chapter apply to all USDA agencies. To the extent provided by law, contractors, cooperators, and others performing work for USDA must comply with all applicable substantive and procedural requirements related to CERCLA.

3 AUTHORITIES

The following authorities are the statutes and Executive Orders relating to USDA's responsibilities under CERCLA. Other authorities may be applicable to a particular matter.

- a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (also know as "Superfund"), as amended, 42 USC 9601, et seq.
- b Executive Order 12580, Superfund Implementation, January 23, 1987, 52 FR 2923 (January 29, 1987), as amended by Executive Order 13016 (CERCLA Section 106 Order Authority), August 28, 1996, 61 FR 45871 (August 30, 1996).

4 POLICY

The USDA is committed to planning, developing, and implementing all programs and projects so as to minimize the release of hazardous substances into the environment and to restore impacted natural resources in concert with the Department's overall mission. To achieve this goal, USDA and agencies affected by the CERCLA program will:

- a Incorporate the CERCLA program into the overall mission strategy for the Department and agencies.

- b Ensure that management activities for new or currently active operations will not result in new or exacerbate current CERCLA sites.
- c Ensure that no new municipal solid waste landfills or open dumps will be permitted on facilities and lands under the jurisdiction, custody, or control of USDA and its agencies.
- d Make every effort to ensure that future liability for environmental cleanup is minimized or avoided when acquiring real property through purchase, exchange, and/or transfer or return from other Federal use.
- e Coordinate with the Environmental Protection Agency (EPA), the Department of Justice (DOJ), the Department of the Interior (DOI), and other appropriate state and Federal agencies in the management of the CERCLA program.
- f Work with stakeholders, such as environmental groups, special use permittees, Tribes, State and local government agencies, and industry to identify common goals concerning cleanup of hazardous substances and natural resource restoration.
- g Establish environmental cleanup and natural resource restoration as a priority action, and ensure that adequate appropriation requests are made to ensure that there are key technical and legal personnel and adequate funding for such agency activities.
- h Plan and accomplish GPRA goals and objectives related to environmental cleanup and natural resource restoration, utilizing agency program appropriation, complemented by allocations from the USDA Hazardous Materials Management Appropriation. Utilize a project accomplishment reporting process with an annual review of the process to ensure that it is adequate and meets the reporting needs of the Department and agencies. Develop and report goals each year for the coming year and how action items will be implemented.
- i In cooperation with the EPA and state and local environmental regulatory agencies, complete and maintain an inventory of facilities and lands under the jurisdiction, custody, or control of USDA or other sites where activities by USDA and others may be affecting the environment from the release or potential release of hazardous substances.
- j Working with environmental regulators as necessary, complete assessment and investigation work at each inventoried site consistent with CERCLA requirements, including the National Contingency Plan (NCP), to determine if

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there is a release or a potential release of a hazardous substance from the site which may be a threat to public health, welfare, or the environment.

- k At sites eligible for CERCLA action, work with the environmental regulators to determine if USDA may be a Potentially Responsible Party (PRP) as defined in CERCLA.
- l At sites where USDA may be a PRP and is not the lead agency, work with the environmental regulators to identify other PRPs and work with the regulators and other PRPs to complete needed environmental cleanup and natural resource restoration work in accordance with CERCLA and the NCP.
- m At sites where USDA will be the lead agency as defined in CERCLA and Executive Order 12580 the agencies will:
 - (1) Complete PRP searches to determine if PRPs exist and if they are financially viable. These activities will be conducted in consultation with the Office of the General Counsel (OGC).
 - (2) Contact viable PRPs to determine their willingness to perform or pay for required cleanup activities and to enter into enforceable CERCLA agreements. Necessary legal activities will be implemented by OGC and the DOJ. Viable PRPs will be required to perform or pay for the work. If an urgent situation exists where immediate action in accordance with the NCP is necessary, the PRPs have been contacted, and the time needed for negotiations will result in unacceptable human health or environmental impacts, agencies may perform the work and seek cost recovery later.
- n Perform program and project monitoring through the activities of the Hazardous Materials Management Group and agency environmental coordinators, to evaluate CERCLA activities and field accomplishments.
- o Ensure a proactive approach to environmental management through the tracking and early identification of regulatory trends and initiatives and the maintenance of effective communications with regulatory authorities.

PLANNING, BUDGET PREPARATION, PROGRAM MANAGEMENT, AND
ACCOMPLISHMENT REPORTING

Chapter XI

1 PURPOSE

This chapter prescribes USDA procedures for Hazardous Materials Management Program (HMMP) budget preparation and submittal, general program management, and accomplishment reporting.

2 SCOPE

The provisions of this chapter apply to all USDA agencies conducting activities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and/or the Resource Conservation and Recovery Act (RCRA).

3 OBJECTIVES

This objectives of this chapter are to provide the framework and schedule within which USDA agencies:

- a identify, plan, execute, and evaluate programs of work (i.e., projects and activities) in support of the goals and objectives of the HMMP;
- b maintain and periodically report validated and verified data on HMMP performance to allow preparation of appropriate program documentation, including Government Performance and Results Act (GPRA) annual performance plans (APPs) and annual program performance reports (APPRs);
- c consistently account for HMMP funds in accordance with accounting standards issued by OMB; and
- d reconcile agency financial records with National Finance Center (NFC) accounting reports to ensure proper funds management and reporting.

4 DEFINITIONS AND ACRONYMS

- a Project . For purposes of the HMMP, a project is a logically planned and executed aggregation of work that is:
 - 1) directly associated with one or more of the lands or facilities currently or formerly under USDA jurisdiction, custody, or control including sites formerly leased or operated under cooperative agreements;
 - 2) made up of one or more component activities (e.g., outputs) that, taken together, result in attaining one or more of the desired HMMP outcomes

- 3) identified within HMMP Strategic Goals and their associated objectives; planned to be completed within a specified time frame and budget, that may be periodically updated/ revised to reflect new developments and information; and
 - 4) required to comply with, and conducted in accordance with, the applicable provisions of the CERCLA, RCRA, or related statutes, regulations, executive orders, or policies.
- b APP. GPRA annual performance plan
 - c APPR. GPRA annual program performance report
 - d BY. Budget year, the fiscal year covered in the President's budget subject to authorization and appropriation by Congress
 - e BY+x. Budget year plus "x" years, where "x" is a number between 1 and 5, inclusive; BY+1 represents the planning year, and BY+2 through BY+5 represent the outyears in the five-year plan
 - f CY. Current fiscal year
 - g FYxx. Fiscal year xx, where "xx" is the last two digits of the fiscal year being referred to
 - h GPRA. Government Performance and Results Act
 - j HMMA. Hazardous Materials Management Appropriation
 - j HMMG. Hazardous Materials Management Group
 - k HMMP. Hazardous Materials Management Program, executed with either HMMA or agency funds
 - l HMPC. Hazardous Materials Policy Council
 - m NFC. National Finance Center
 - n OBPA. USDA Office of Budget and Program Analysis
 - o OCFO. USDA Office of Chief Financial Officer
 - p OMB. Office of Management and Budget
 - q PB. President's budget to Congress for BY
 - r PoW. Program of work (i.e., project/activity list, goals, budgets, priorities, etc.)
 - s PSR. Program status report of obligations and progress in CY
 - t PY. The fiscal year preceding the CY
 - u SF-132. Request for Apportionment or Re-apportionment
 - v SF-133. Report on Budget Execution - issued by NFC on a monthly basis
 - w SF-2108. Year-End Closing Statement - issued by NFC to the Department of Treasury, the official financial report for PY

5 RESPONSIBILITIES

- a The heads of affected agencies or appropriate policy officials will ensure that the procedures described below are followed in a timely manner and that all data is of high quality. The agency head or appropriate policy official will attest to the accuracy of all submitted information.

- b HMMG, acting as the day-to-day program and technical staff for the HMPC, will coordinate and oversee the HMMP. This includes specifying, collecting, analyzing, and reporting information on agency activities and expenditures in support of the HMMP, conducting periodic program reviews, and otherwise administering the procedures described below.

6 BUDGET-CYCLE SCHEDULE OF HMMP PLANNING AND REPORTING

The following table illustrates the “normal” schedule of budget-related activities. Some variation in actual dates will occur from year to year. Specific agency reporting dates and products will be identified in letters or memoranda from the OBPA, OCFO, HMMG, or other appropriate office.

Target Month*	Budget-Related Activity (see Appendix A for a list of acronyms)	Responsible Organizations
October	Issuance of “apportionment letter” by OMB and warrant by Treasury to OBPA advising that the appropriated amount of HMMA funds for CY are available in Treasury account 12x0500 (unless there is a continuing resolution); beginning in FY01, prior-year carryover HMMA funds are <u>not</u> available for obligation unless specifically exempted from withdrawal based on an approved critical need	-
	“Advice of allotment” letter from OBPA to OCFO and NFC for CY	OBPA
	OCFO sends SF-132 showing CY HMMA suballotments (based on allocations approved by HMPC) to agencies, HMMG, and NFC; starting in FY01, also HMMA allotment letters to agencies from HMMG detailing allowable uses and other administrative issues	OCFO, HMMG
	"Grace period" for agencies to reconcile PY HMMA financial data with NFC records	agencies
	Preparation of BY budget submittals to OMB based on Secretary/Deputy Secretary decisions (e.g., Department Estimates, prioritized POW, draft GPRA BY APP, etc.) collaboratively with OCFO, OBPA, using agencies' attested data. Submitted to OMB by OBPA.	HMMG, OCFO (OBPA)
November	Attested PY accomplishments reports and updated CY HMMP POWs due from agencies; financial data is consistent with SF-133 and SF-2108 reports	agencies

	OCFO sends copies of final PY HMMP SF-133 to HMMG for distribution to agencies; the “actual” amount of PY carryover withdrawal is based on this report, less any carryover that was specifically exempted from withdrawal based on approved critical need	OCFO, (HMMG)
	Draft HMMP APP for PY due to OCFO (details to be worked out, as BY APP and PY APPR are to be integrated into a single report starting with FY02 APP and FY00 APPR) - requires updated CY HMMP programs of work and goals from agencies	HMMG
	NFC issues SF-2108, Year End Closing Statement, for PY to Treasury based on agency financial data; this NFC report contains the “official numbers” used by Congress and others	NFC
	OMB passback for BY received at Thanksgiving; possible responses: a) appeal any cuts, b) make reallocations based on passback and adjust APP; turnaround time is normally 48 hours (not in election year; transition budget instead)	HMMG, OCFO
December	Priority-based distribution of PY HMMA carryover to agencies, based on agency documentation of needs and priorities; amount of carryover available for reallocation equals amount on SF-133 less any agency retention based on approved critical need	HMMG, OCFO
	Prepare appeal, if any, of OMB BY HMMA passback. OBPA coordinates appeal.	HMMA, OCFO (OBPA)
	“Final” Stage I HMMP BY budget documents (Explanatory Notes, Status of Program, prioritized project list) conforming to OMB passback	HMMG, OCFO
	Final APP for BY and PY APPR due to OCFO	HMMG
January	Review CY first quarter HMMP status of funds reports (SF-133s), reconcile financial data with NFC records	agencies (OCFO, HMMG)
	PB for BY to Congress	-
February	BY budget hearing/testimony preparation	HMMG, OCFO, (agencies)

March	Congressional hearings focusing on BY budget/goals/priorities and PY accomplishments	- (HMMG, OCFO)
	Call for BY+1 HMMP budget request, goals, priorities, etc. and BY+2 through BY+5 HMMP budget needs estimate to agencies	HMMG, (OCFO)
April	Submittals for BY+1 HMMP budget request (including proposed program of work goals, priorities, etc.) and BY+2 through BY+5 budget needs estimate due from agencies	agencies
	Review CY second quarter HMMP status of funds reports (SF-133s), reconcile agency financial data with NFC records	agencies (OCFO, HMMG)
May	Processing of agency BY+1 HMMP budget submittals	HMMG
June	"Midyear" CY HMMP PSRs through 5/31 due from agencies	agencies
	Preparation of BY+1 supporting documentation (e.g., consolidated project lists, program summaries, draft APP, with performance goals)	HMMG, OCFO
July	Submit BY+1 HMMA budget request to OBPA, Deputy Secretary	OCFO
	Analyze CY agency PSRs and recommend HMMA reallocations	HMMG
	Issue preliminary CY end-of-year instructions	HMMG, OCFO
	Review CY third quarter HMMP status of funds reports (SF-133s), reconcile financial data with NFC records	agencies (OCFO, HMMG)
August	Review of CY status of funds report; reallocate CY HMMA funds as needed	HMMG, HMPC
	Modification of BY+1 budget request, APP, etc. to conform to USDA passback	HMMG, OCFO
	Appeals of USDA BY+1 passback, if any, due	HMMG
September	Issue PY (still CY at this point) accomplishments report call letter	HMMG

	Period end CY estimates entered, all unobligated HMMA funds unencumbered by period end estimate to be marked/frozen for withdrawal unless specifically exempted by HMMG/HMPC based on critical need	agencies
	Agencies provide HMMG an estimate of CY carryover (to be provisionally withdrawn on 9/30, pending SF-2108) and documentation of critical needs to justify specific exemptions from withdrawal	agencies

* “Target months” are those in which the listed budget-related activity occurs “on average.” In any given year, actual due dates may shift. For example, a “current services” budget will be prepared for FY02 because of the Presidential election. Also, as GPRA is integrated into - and modifies - the budget cycle, change will occur. Lastly, consideration of changes to the budget cycle itself, such as moving to two-year budgets, may further alter some activities.

7 PROCEDURES

- a In addition to current allotment documentation (e.g., SF-132), the HMMG and OCFO will prepare and send formal allotment letters to the agency heads or appropriate policy officials to transfer their allocation of HMMA funds. This letter will outline allowable uses of HMMA funds and provide additional information concerning HMMP financial management issues; transfer of the allotment will occur concurrently. These actions will occur within 10 working days after the HMMA advice of allotment is received from OBPA and reflect allocations approved by the HMPC.

- b In coordination with the agencies, HMMG/OCFO will withdraw all HMMA funds that were NOT obligated before the end of each fiscal year except funds specifically exempted from withdrawal on the basis of critical need (e.g., to comply with an enforceable agreement, perform an unprogrammed time-critical removal or other CERCLA response action, or address a newly discovered leaking underground storage tank - UST). This means that unobligated (i.e., “carryover”) HMMA funds that have not been specifically exempted will NOT be available for obligation from October 1 until the HMMA carryover is formally reallocated, as described below. By the third Monday of September of the closing fiscal year, agencies must make all requests to exempt HMMA carryover from withdrawal, explaining the critical need requiring the exemption. The Director of HMMG will review and approve exemption requests in consultation with OCFO and HMPC members. The final carryover amount withdrawn will be the unobligated balance shown on the SF-2108, Year-End Closing Statement, as reported to the Department of Treasury less any exempted HMMA carryover

withdrawal. This topic and others will be covered in the end-of-year instructions HMMG and OCFO will issue jointly early in the fourth quarter of each fiscal year.

- c The unobligated HMMA carryover balance that was withdrawn will be reallocated to agency projects on a priority basis, not necessarily to the same agency that had the carryover balance. This reallocation will be done as early as possible in the new fiscal year, usually by early December. Based on agency projections of HMMA carryover provided by the third Monday of September, HMMG will advise the agencies of the total amount of carryover anticipated to be available for reallocation. To request HMMA funding from the carryover balance, agencies must submit a prioritized request and supporting documentation. The Director of HMMG will review the requests and supporting documentation and make reallocation recommendations for the prior-year carryover balance to the HMPC. Departmental criteria and priorities for reallocating carryover funds will focus primarily on most effectively reducing or eliminating threats or potential threats to human health, welfare and the environment.
- d To support OMB Circular A-34, Instructions on Budget Execution, financial management requirements, agencies receiving HMMA funds will grant OCFO read-only authority for their HMMA accounts and provide pertinent information and data on an as-needed basis.
- e Agencies will reconcile their HMMP accounting/financial records on a regular basis (but not less frequently than quarterly) consistent with their business practices. Agencies will make any needed adjustments as soon as possible after discrepancies or deviations are identified. They will make definitive adjustments before and during the reconciliation period at the close of each fiscal year. The agencies will use reconciled data in the HMMP program-status and annual accomplishment reports they submit to HMMG. The agency head or appropriate policy official will attest that reconciled data was used in the reports.
- f In support of the HMMP, agencies will maintain project-based accounting and financial management systems capable of providing timely and accurate information needed by HMMG and USDA to develop GPRA APPs and APPRs, prioritized budget requests, budget hearing testimony, responses to Congressional questions for the record, program status reports for possible re-direction or re-programming of HMMA funds, and HMMP accomplishment summaries.
- g In the case of activities and other work that do not meet all criteria for being a "project," the agency will maintain non-project-based accounting and financial management codes in their systems to ensure consistent accounting for HMMP

funds and availability of program information comparable to that for projects. Examples of activities that are not expected to be “projects” under the definition include program management, program oversight, and legal support except for cost recovery.

- h Beginning with the accomplishment report for fiscal year 2000, agencies will inform HMMG annually whether reported financial data includes indirect costs (i.e., whether “activity-based costing” was employed and the reported values reflect the full program costs) in all budget requests, program status reports, and accomplishment reports.
- i Agencies will continue to use the HMMP activity matrix and system developed by HMMG when reporting prioritized programs of work, budget requests, outyear needs estimates, program status reports, accomplishments reports, and reconciled financial data throughout the budget cycle and project life cycles. Until automated systems for data reporting become available, it is the responsibility of the agencies, through their HMMP managers, to maintain, analyze, and report project and financial data by activity (i.e., output).
- j Agencies will maintain up-to-date HMMP project files that cover the life of the project, including a comprehensive plan for executing the project. At a minimum, project files must include the best available information on planned/required activities, (e.g., preliminary assessment, engineering evaluation and cost analysis, search for viable potentially responsible parties, removal action, UST cleanup, etc.), current cost estimates, a projected milestone schedule of activities, compliance information, HMMP funding allocations, obligations, end-of-year balances, and other financial information. After projects are completed, project files will be maintained in accordance with Department and agency record retention policies.
- k On behalf of the HMPC, HMMG will conduct periodic reviews of HMMP (program and project) files, financial data, and reports to assess accuracy and completeness and to ensure data consistency across agencies. HMMG may consult with OCFO for assistance in assessing the accuracy and completeness of program and financial data during select reviews. HMMG may request agency representatives to conduct or assist with these reviews. HMMG may use external consultants to conduct data validation and verification studies.

EMERGENCY OIL DISCHARGE AND HAZARDOUS MATERIAL RELEASE
RESPONSE PROGRAM

Chapter XII

1 PURPOSE

This chapter prescribes USDA policy, responsibilities, and procedures for the Departmental program concerned with emergency responses to discharges of oil into the navigable waters of the United States and releases of hazardous materials into the environment which affect or may affect facilities, lands and natural resources under the jurisdiction, custody, or control of the Department or programs managed by or supported by USDA.

2 SCOPE

The provisions of this chapter apply to all USDA agencies.

3 OBJECTIVES

USDA will be prepared for emergencies or disasters concerning the discharge of oil and release of hazardous materials into the environment by participating in and supporting the National Response System (NRS) as described in the National Oil and Hazardous Substance Pollution Contingency Plan (NCP). USDA will coordinate with the National Response Team (NRT), other Federal agencies, tribes, state and local agencies and officials in responding to emergency actions concerning discharges and releases. USDA will also provide assistance to communities, states, tribes, and other federal agencies when requested with information, logistical support and technical expertise in a variety of areas in time of emergencies and/or disasters.

4 POLICY

USDA will comply with all applicable regulations of the NCP regarding emergency preparedness and response. This will include the following:

- a Report releases of hazardous substances and discharges of oil as required.
- b Participate on the NRT.
- c Participate on the Regional Response Teams (RRT).
- d Coordinate and facilitate the safety of USDA personnel and facilities and natural resources under the jurisdiction, custody or control of the Department during

emergency environmental response actions .

- e Participate in Intra-Departmental efforts to provide emergency and disaster assistance as requested by the USDA Emergency Preparedness Staff and Federal Emergency Management Agency (FEMA).
- f Participate in the FEMA Emergency Support Function 10 Hazardous Material (ESF 10) Team as noted in the Federal Response Plan (FRP).

5 RESPONSIBILITIES

- a Hazardous Material Management Group
 - (1) Represent USDA on the NRT.
 - (2) Represent USDA on the FEMA ESF 10 Team.
 - (3) Provide information and training to emergency support personnel as needed and maintain current contact information.
 - (4) Provide personnel availability 24 hours a day, seven days a week for emergency response activation.
 - (5) Obtain appropriate security clearances in order to support NRT and FRP activities in the national interest.
 - (6) Obtain official passport in order to provide support of overseas agreements and activities of the NRT.
- b Chief, Forest Service
 - (1) Provide representation for USDA on the RRTs.
 - (2) Provide support to affected USDA agency facilities as appropriate.
 - (3) Participate in RRTs and NRT activities including spill response, area contingency plan development and review.
 - (4) Provide logistical and technical support as requested to the Environmental Protection Agency, and the U.S. Coast Guard as requested during emergencies or to FEMA under emergencies declared under ESF 10.
 - (5) Ensure that sufficient funds to support RRT activities are requested in the

agency requests for funding.

- (6) Ensure adequate cost accounting principles are followed in order to seek repayment of agency funds expended for emergency actions from responsible parties and the oil pollution trust fund.
- (7) Provide personnel availability 24 hours a day, seven days a week for emergency response activation of the RRTs.
- (8) Obtain appropriate security clearances in order to support NRT and FRP activities in the national interest.

c Agency Heads

- (1) For agencies with facilities or lands under their jurisdiction, custody or control, provide accurate facility location information when requested in order to ensure protection of USDA personnel and assets in the event of emergency response activation.
- (2) Provide technical assistance as requested by the USDA NRT or RRT representatives or FEMA in support of emergency responses.
- (3) Provide current Emergency Program point of contact information to the USDA NRT representative in order to facilitate NRS and FRP support.
- (4) Ensure adequate cost accounting principles are followed in order to seek repayment of agency funds expended for emergency actions from responsible parties and the oil pollution trust fund.

6 REPORTING

USDA agencies shall comply with all hazardous material and oil spill reporting requirements in accordance with applicable Federal and State regulations. USDA agencies shall immediately notify the National Response Center (NRC) of any reportable quantity release or discharge on or from agency facilities and lands under their jurisdiction, custody or control.

Procedures:

- (1) Upon activation of the NRT, the USDA NRT representative shall immediately notify appropriate RRT contacts and the Forest Service Chief Environmental Engineer. The NRT representative will also notify the appropriate RRT representative of other emergencies if there is a potential impact to a USDA

component or interest.

- (2) Upon activation of an RRT, the USDA RRT representative shall immediately notify the USDA NRT representative in order to facilitate coordination and response.
- (3) Upon provision of notice to the NRC of a spill or release on or from a USDA facility, affected agency personnel will notify the appropriate RRT member that such notice has been made.

7 TECHNICAL AND LOGISTICAL ASSISTANCE

USDA agencies may, when requested by a Federal On-Scene Coordinator responsible for a emergency response action, provide technical and logistical assistance in support of a spill or release response, natural resource damage assessment or abatement, logistical support such as law enforcement, communication support, or food and shelter support.

Agencies shall notify their local RRT representative of any requests for assistance to ensure proper coordination. Cost accounting for providing assistance must be managed in accordance with Section 6c(5).

LOW-LEVEL RADIOACTIVE/MIXED WASTE MANAGEMENT AND BURIAL SITE
CLEANUP PROGRAM

Chapter XIII

1 PURPOSE

This chapter prescribes USDA policy, responsibilities, and procedures for complying with applicable environmental laws and regulations in managing radioactive/mixed waste, i.e. low-level radioactive and hazardous wastes combined, and the cleanup of mixed waste burial sites on facilities and lands under the jurisdiction, custody, and control of USDA and its agencies.

2 SCOPE

The provisions of this chapter apply to all USDA agencies and to the extent provided by law, contractors, cooperators, and others performing work for USDA.

3 AUTHORITIES

The following authorities are the major statutes relating to radioactive/mixed waste:

- a Atomic Energy Act (AEA), 42 U.S.C. 2011, et seq.
- b Title 10 CFR, Nuclear Regulatory Commission, Chapter 1, Part 20: Standards for Protection Against Radiation; and Part 30: Domestic Licensing of Byproduct Material
- c Title 49 CFR. Department of Transportation, Subtitle B, Chapter 1, Subchapter C, Parts 171-178: Hazardous Materials Regulations
- d Resource Conservation and Recovery Act (RCRA), as amended, 42 USC 6901, et seq. as implemented by EPA or authorized states for the hazardous waste component
- e Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (also known as “Superfund”), as amended, 42 USC 9601, et seq.

4 OBJECTIVES

USDA will manage low-level radioactive mixed waste in accordance with applicable pollution control laws, including the requirements of the license issued to USDA by the Nuclear Regulatory Commission.

USDA will identify and cleanup mixed waste at USDA burial sites that pose a threat to human health, welfare or the environment and restore impacted natural resources. USDA will ensure that all USDA employees involved with these issues proceed in a safe and environmentally responsible manner.

5 POLICY

It is the policy of the USDA to be in compliance with all applicable federal, state and local pollution control laws that govern mixed waste treatment, storage and/or disposal.

USDA will protect its employees, the public and the environment from the risk of hazards which might be caused by mixed wastes.

Refer to Departmental Regulation 4400-5, Radiation Safety Program.

6 DEFINITIONS

Radioactive/mixed waste contains both a hazardous waste component (as defined by RCRA and its amendments) and a radioactive waste component (as defined by Atomic Energy Act (AEA) and its amendments). It is jointly regulated by National Regulatory Commission (NRC) and EPA or State's authorized by the EPA under RCRA. A hazardous waste is either listed under 40 CFR Part 261, Subpart D, and/or exhibits a characteristic described in 40 CFR Part 261, Subpart C. Radioactive material must be classified as source, special nuclear, or byproduct material subject to the AEA (42 USC Section 201, et seq.).

7 RESPONSIBILITIES

a General

(1) Radiological:

The USDA Radiological Safety Program responsibility is delegated from the Secretary of Agriculture to the Assistant Secretary for Administration, who is the Department Safety and Health Official.

Operational and administrative aspects of the Radiation Safety Program are delegated from the Assistant Secretary for Administration through the Office of Human Resources Management, Safety and Health Management Division, to the Director, Radiation Safety Staff.

The Director, Radiation Safety Staff serves as the Department's Radiation

Safety Officer.

The radiation safety policy for USDA is found in Departmental Regulation 4400-5 where specific responsibilities are listed.

(2) Hazardous Materials:

The Delegations of authority reflect assignments made in, 7 CFR Part 2, and DM 5600-1 chapter I, which sets forth delegations of authority from the Secretary and general officers. Under Secretaries, Assistant Secretaries and Agency Heads will continue to be responsible for the day-to-day operations of their agencies in resolving environmental problems and for achieving compliance as required by applicable pollution control statutes and implementing regulations. They will coordinate, interact and report accomplishments through established Departmental procedures and the Hazardous Materials Policy Council, particularly for areas where programs overlap.

The hazardous materials policy can be found in DM-5600-1 where specific responsibilities are listed.

- b. In addition to previously listed in DM-5600-1 chapter I and DR 4400-5 responsibilities, Agency Heads will:
- (1) Notify the Radiation Safety Staff (RSS) when a mixed (i.e., radioactive and hazardous) waste burial site is newly identified.
 - (2) Notify the Hazardous Materials Management Group (HMMG) when a mixed (i.e., radioactive and hazardous) waste burial site is newly identified.
 - (3) Keep a file of this notification in the involved Agency's site file.
 - (4) Comply with all applicable federal, state and local pollution control laws and regulations that apply to mixed wastes, including Nuclear Regulatory Commission and Environmental Protection Agency regulations.

APPENDIX A
GLOSSARY OF TERMS

Activity. A unit, organization, or installation that performs a function or mission. Also, an essential component or subunit of a project.

"Administrator". The Administrator of the Environmental Protection Agency.

Ambient air quality standards. Standards established under to the Clean Air Act to protect health and welfare.

Applicable regulations. Federal, State, regional, or local regulations including statutes and ordinances.

Applicable water quality standards. The water quality standards--

- a. Adopted by a State and approved by EPA under Section 303 of the Clean Water Act, or
- b. Issued by EPA under that section.

Applicator.

a. Certified Applicator. - Any individual who is certified as authorized to use or supervise the use of any pesticide classified for restricted use.

b. Private Applicator. - A certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities on the property of another person).

c. Commercial Applicator. - A certified applicator (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on property other than as provided by

paragraph (b).

d. Under the direct supervision of a certified applicator. - Unless otherwise prescribed by its labeling, a pesticide shall be considered to be applied under the direct supervision of a certified applicator if it is applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

Best Management Practices (BMPs).

Methods, measures or practices to prevent or reduce the contributions of pollutants to U.S. waters. BMPs may be imposed in addition to, or in the absence of, effluent limitations, standards, or prohibitions. BMPs include, but are not limited to--

- a. Treatment requirements.
- b. Operating and maintenance procedures.
- c. Schedules of activities.
- d. Prohibition of activities.
- e. Other management practices to control—
 - (1) Plant site runoff.
 - (2) Spillage or leaks.
 - (3) Sludge or waste disposal.
 - (4) Drainage from raw material storage.

Contaminant. Any physical, chemical, biological, or radiological substance or matter in water.

Contiguous zone. The entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone. This zone contiguous to the territorial sea extends 200 miles seaward from the baseline from which the territorial sea is measured.

Discharge. A term that includes, but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a substance.

Discharge classifications (for oil). The classifications below, provided to guide the On-Scene Coordinator (OSC), are criteria for general response actions. They are not criteria for reporting, nor do they imply associated degrees of hazard to the public health or welfare. If a discharge results in critical public concern, it will be classed as a major discharge. The following are quantitative measures for discharges:

- a. Minor discharge. A discharge to the inland waters of less than 1,000 gallons of oil, or a discharge of less than 10,000 to 100,000 gallons of oil to coastal waters.
- b. Medium discharges. A discharge of 1,000 gallons to 10,000 gallons of oil to inland waters or a discharge of 10,000 to 100,000 gallons of oil to coastal waters.
- c. Major discharge. A discharge of more than 10,000 gallons of oil to the inland waters more than 100,000 gallons of oil to the coastal waters.

Discharge of a pollutant.

- a. Any addition of any pollutant to navigable waters from any point source.
- b. Any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

Disposal. The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

Effluent limitation. Any restriction established

by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean including schedules of compliance.

Emission "Standard of Performance". A standard for emissions of air pollutants which reflects the degree of best systems of emission reduction which (taking into account the cost of achieving such reduction) the Administrator determines has been adequately demonstrated.

Environmental enhancement. Actions taken to improve the environment. These actions include, but are not limited to, those to abate environmental pollution and meet environmental quality standards.

Environmental management system. That part of the overall management system which includes organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining the organization's environmental policies.

Environmental pollution. The condition resulting from the presence of chemical, physical, radiological, or biological forces that--

- a. Adversely alter the proper functioning condition of any part of the natural environment.
- b. Adversely affect human health or the quality of life, biosystems, structures and equipment, recreational opportunity, aesthetics, and natural beauty.

Environmental pollution control standard.

Any one of the Federal, State and regional quality standards established to protect and enhance environmental quality.

Extremely hazardous substance (EHS). As defined in 40 CFR 355.20, any substance listed

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in 40 CFR 355, Appendix A and B.

Facility. Facilities include buildings, structures, public works, equipment, aircraft, vessels, and other vehicles and property under the control of, or constructed or manufactured for leasing to, the Federal Government.

"Federal Agency". Any Department, Agency, or instrumentality of the U.S.

Harmful discharge (of oil) into navigable waters and the contiguous zone. As defined by 40 CFR 110, discharges of certain quantities of oil into or upon U.S. navigable waters of adjoining shorelines and into or upon the waters of the contiguous zone. Discharges are such that they--

- a. Violate applicable water quality standards, or
- b. Causes a film or sheen upon, or discoloration of, the surface of the water or adjoining shorelines, or
- c. Causes a deposit of sludge or emulsion beneath the surface of the water or upon adjoining shorelines.

Hazardous substance. (a) Any substance designated pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act, (b) any element, compound, mixture solution, or substance designated pursuant to Section 102 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act, (e) any hazardous air pollutant listed under Section 112 of the Clean Air Act, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 7 of the Toxic Substances Control Act.

Hazardous waste. A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may--

- a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
- b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Hazardous waste generation. The act or process of producing hazardous waste.

Hazardous waste management. The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous wastes.

Hazardous waste storage. The containment of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste. Storage of hazardous waste exceeding certain time and/or quantity thresholds requires a RCRA treatment, storage, and disposal permit.

Hazardous waste treatment. Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

Implementation plans. Plans developed to designate the methods to attain and maintain ambient air quality standards.

Installation. A grouping of facilities, located in the same vicinity, that supports certain functions.

Integrated pest management. The management of actual and potential pest problems using a combination of available preventive and corrective control measures. The biological effectiveness, environmental acceptability and cost effectiveness of the measure are considered before their use.

Manifest. The form used for identifying the quantity, composition, and the origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of final disposal, treatment, or storage.

Maximum contaminant level. The maximum permissible level of a contaminant in water which is delivered to any user of a public water system.

Mobile sources. Vehicles, aircraft, watercraft, construction equipment, and other equipment that use internal combustion engines for propulsion.

National Response Center (NRC). The Washington, D.C. Headquarters that coordinates activities relative to pollution emergencies. It is located at Headquarters, U.S. Coast Guard (USCG).

National Response Team (NRT). A team of representatives from the primary and advisory agencies that serves as the national body for--

- a. Planning and preparedness actions before a pollution discharge.
- b. Coordination and advice during a pollution emergency.

Natural resources. Land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, pertaining to, or otherwise controlled by the United States

(including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government.

Navigable waters or navigable waters of the United States. The waters of the United States, including the territorial seas.

Nontransportation-related onshore and offshore facilities.

a. These facilities include but are not limited to—

(1) Oil and hazardous substance storage facilities and related equipment and appurtenances.

(2) Fixed bulk plant storage, terminal facilities, consumer storage, pumps, and drainage systems used in storage.

b. These facilities include--

(1) Waste treatment facilities including implant pipelines, effluent discharge lines, and storage tanks. Excluded are—

(a) Waste treatment facilities located on vessels and terminal storage tanks and appurtenances for the reception of oily ballast water, or

(b) Tank washings from vessels and associated systems used for offloading vessels.

(2) Loading racks, transfer hoses, loading arms, and other pieces of equipment that are—

(a) Appurtenant to a nontransportation-related facility or terminal facility.

(b) Used to transfer oil and hazardous substance in bulk to or from highway vehicles or railroad cars.

(3) Highway vehicles and railroad cars that—

(a) Are used to transport oil and hazardous substance exclusively within the confines of a nontransportation-related facility.

(b) Are not intended to transport in interstate or intrastate commerce.

(4) Pipeline systems that—
(a) Are used to transport oil and hazardous substance exclusively within the confines of a nontransportation-related facility or terminal facility.
(b) Are not intended to transport, interstate or intrastate commerce but, excluding pipeline systems, are used to transfer oil and hazardous substance in bulk to or from a vessel.

Offshore facility. Any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under other waters, other than a vessel or a public vessel.

Oil.

- a. Oil of any kind or in any form, including but not limited to--
 - (1) Petroleum.
 - (2) Fuel oil.
 - (3) Sludge.
 - (4) Oil refuse.
 - (5) Oil mixed with wastes other than dredged spoil.
- b. The terms oil and petroleum, oils, lubricants (POL) are used interchangeably.

On-Scene Coordinator (OSC). The Federal official predesignated by EPA or USCG to coordinate and direct Federal discharge removal efforts in approved regional contingency plans at the scene of an oil or hazardous substance discharge.

Onshore facility. Any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land or nonnavigable waters within the United States.

Open burning. The combustion of any material without the characteristics below:

- a. Control of combustion air to maintain

adequate temperature for efficient combustion.

- b. Containment of the combustion reaction in an enclosed device to provide enough residence time and mixing for complete combustion.
- c. Control of emission of the gaseous combustion products.

Open dump. A site for the disposal of solid waste which is not a sanitary landfill within the meaning of Section 4004 of RCRA.

Person. An individual, corporation, company, association, partnership, State, municipality, or Federal agency (and includes officers, employees, and agents of any corporation, company, association, State, municipality, or Federal agency).

Pesticide.

- a. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.
- b. Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Point Source. Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Primary drinking water regulation. A regulation which--

- a. Applies to public water systems;
- c. Specifies contaminants which, in the judgment of the Administrator, may have any adverse effect on the health of persons;
- d. Specifies for each such contaminant either—

(1) A maximum contaminant level, if, in the judgment of the Administrator, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems, or (2) if, in the judgment of the Administrator, it is not economically or technologically feasible to ascertain the level of such contaminant, each treatment technique known to the Administrator which leads to a reduction in the level of such contaminant sufficient to satisfy the requirements.

- d. Contains criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels; including quality control and testing procedures to insure compliance with such levels and to insure proper operation and maintenance of the system, and requirements as to the minimum quality of water which may be taken into the system and siting for new facilities for public water systems.

Public water system. A system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. Such term includes:

- a. Any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system.
- b. Any collection or pre-treatment storage facilities not under such control which are used primarily in connection with such system.

Regional Response Team (RRT). A team of regional Federal representatives of the primary or selected advisory agencies. It acts within its region as an emergency response team that performs functions like those of the NRT.

Release. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such person, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, or, for the purposes of Section 104 of CERCLA or any other response action, any release of source by product, or special nuclear material from any processing site designated under Section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978, and (d) the normal application of fertilizer.

Remove or Removal. The cleanup or removal of released hazardous substances from the environment, such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances, the disposal of removed material, or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measure to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not

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otherwise provided for.

limitation, prohibition, or standard.

Remedy or Remedial Action. Those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances for contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavation, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions, protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the President determines that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare.

Respond or Response. Remove, removal, remedy, and remedial action.

Sanitary landfill. A facility for the disposal of solid waste which meets the criteria published under Section 4004 of RCRA.

Schedule of compliance. A schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other

Secondary drinking water regulation. A regulation which applies to public water systems and which specifies the maximum contaminant levels which, in the judgment of the Administrator, are requisite to protect the public welfare. Such regulations may apply to any contaminant in drinking water (a) which may adversely affect the odor or appearance of such water and consequently may cause a substantial number of the persons served by the public water system providing such water to discontinue its use, or (b) which may otherwise adversely affect the public welfare. Such regulations may vary according to geographic and other circumstances.

Solid waste. Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended.

Solid waste management. The systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.