

**APPENDIX A RELEVANT FEDERAL AND STATE ENVIRONMENTAL
LAWS AND REGULATIONS**

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
<i>Federal</i>				
Clean Water Act (Federal Water Pollution Control Act), as amended [33 USCA Sect. 1251 et seq.]				
Section 401 of the Clean Water Act	33 USC 1341	The states are granted authority to review activities in waterways and wetlands and to issue water quality certifications, under Section 401.	The Section 401 Water Quality Certification is issued by the Missouri Department of Natural Resources	A Section 401 Water Quality Certification would be required for the project.
Section 404 of the Clean Water Act	33 USC 1344	Section 404 grants authority to USACE to regulate activities in federal jurisdictional wetlands.	The Section 404 permit program is administered by the USACE in Missouri.	Impacts of identified wetlands would require permitting under Section 404.
National Pollutant Discharge Elimination System (NPDES) Regulations	40 CFR Part 122, 125	Establishes procedures for determination of effluent limitations for point source discharges of chemicals, and requires permits for discharges of pollutants from any point source, to Waters of the United States, protective of beneficial uses.	NPDES permit, administered by MDNR.	An NPDES permit will be required for discharge of water to the Missouri River.

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Steam Electric Power Generating Point Source Category	40 CFR 423	Federal effluent limitations, performance standards, and pretreatment standards of any surface water discharged by a Steam Electric Power Generating Point Source.	Covered under NPDES permit through MDNR.	NPDES permit will address these standards.
Storm water Runoff Requirements	40 CFR Sect. 122.26(b)(14)(x)	Requires that storm water runoff be monitored and controlled on construction sites greater than five acres.	MDNR, storm water permit	A SWPP would be required.
Ambient Water Quality Criteria	40 CFR Part 131 Quality Criteria for Water, 1976, 1980, 1986	Requires states to establish ambient water quality criteria for surface water based on use classifications and the criteria stated under Section 304(a) of the Clean Water Act.	MDNR	Project would comply.

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Oil Pollution Prevention	40 CFR 112	Establishes rules to prevent impacts from oil spills.	EPA	Spill Prevention, Control and Countermeasure (SPCC) Plan will be required for fuel oil tanks and other petroleum products in tanks. AEI to include in contract specifications.
National Environmental Policy Act (NEPA)	42 U.S.C. 4321-4347	Requires federal agencies to evaluate the environmental impacts of their actions, and integrate such evaluations into their decision-making processes.	CEQ/lead agency	This environmental impact statement (EIS) fully complies with NEPA.

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Council on Environmental Quality (CEQ) Regulations	40 CFR 1500-1518	These regulations implement NEPA and establish two different levels of environmental analysis: the environmental assessment (EA) and the EIS. An EA determines whether significant impacts may result from a Proposed Action. If significant environmental impacts are identified, and EIS is required to provide the public with a detailed analysis of alternative actions, their impacts, and mitigation measure if necessary.	CEQ	This EIS fully complies with the CEQ regulations for implementing NEPA.
Safe Drinking Water Act	42 U.S.C. Subchapter XII	Establishes procedures to ensure the safety of public water supply systems and protection of underground sources of drinking water.	Through MDNR and Missouri laws and regulations.	AECI would be responsible for compliance if the wells are used for drinking water.
Sole Source Aquifers	40 CFR 149	Establishes protections for aquifers that are a sole source of drinking water.	EPA	No designated sole source aquifers are located anywhere near the project area.

Relevant Federal and State Environmental Laws and Regulations				
Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Transportation—42 U.S.C. 4916				
Railroad Noise Emission Compliance Regulations	49 CFR 210	Establishes standards for noise emissions from railroads.	Federal Railroad Administration.	Railroads would need to comply.
Environmental Quality Improvement Act, as amended	42 U.S.C. 4371-4375	The Act creates the Office of Environmental Quality to support the work of the Council of Environmental Quality and is further intended to assure that each federal department and agency involved with programs affecting the environment implement appropriate policies.	CEQ	Project complies

Relevant Federal and State Environmental Laws and Regulations				
Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Farmland Protection Policy Act [7 USC 4201-4209]				
Farmland Protection Policy Act	7 CFR 658	Requires federal agencies to use criteria to identify and take into account the adverse effects of their programs on the preservation of farmland, to consider alternative actions that could decrease adverse effects, and to ensure that their programs are compatible with state and local government and private programs and policies to protect farmland.	NRCS administrates through Farmland Conversion Impact Rating	Submittal of rating form required.

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Fish and Wildlife Coordination Act, as amended	16 USC 661-667	Provides that whenever the waters or channel of a body of water are modified by a department or agency of the U.S., the department or agency first shall consult with the U.S. Fish and Wildlife Service and with the head of the agency exercising administration over the wildlife resources of the state where construction will occur, with a view to the conservation of wildlife resources.	Coordination through NEPA process.	Project would comply
Migratory Bird Treaty Act	16 USC 703-712	This law implements the treaties that the US has signed with a number of countries protecting birds that migrate across national borders. It makes illegal the taking, possessing or selling of protected species.	Coordination through NEPA	Project would comply

Relevant Federal and State Environmental Laws and Regulations				
Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Bald Eagle Protection Act	16 USC 668-668d	The Act prohibits the taking or possession of and commerce in bald and golden eagles, with limited exceptions.	Coordination through NEPA	Project would comply
The U.S. Rivers and Harbors Act [33 USC Sect 401 et seq.]				
Section 9 of the U.S. Rivers and Harbors Act	33 USC 401	Section 9 of the U.S. Rivers and Harbors Act requires federal approvals for new bridge construction over navigable waters	This permit program is administered by the US Coast Guard. The review would focus on navigability considerations, such as horizontal and vertical clearances.	No permit is required; transmission line crossing does not require permit.
Section 10 of the U.S. Rivers and Harbors Act	33 USC 403	Fill placement in Waters of the United States is subject to USACE regulation under Section 10.	The Section 10 permit program is administered by the USACE in Missouri.	Section 10 permit would be required for collector well and for discharge outfall.
Protection and Enhancement of Environmental Quality	Executive Order 11514	Protection of environment provides leadership for protecting and enhancing the quality of the Nation's environment to sustain and enrich human life.	Addressed through NEPA process	Project would comply

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Intergovernmental Review of Federal Programs	Executive Order 12372	Directs federal agencies to consult with and solicit comments from state and local government officials whose jurisdictions would be affected by federal actions.	Addressed through NEPA process.	Consultation conducted with state and local officials.
Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations	Executive Order 12898	Requires federal actions to achieve environmental justice by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.	Addressed through NEPA process	Project would comply.
Protection of Children From Environmental Health Risks and Safety Risks	Executive Order 13045	Requires federal actions and policies to identify and address disproportionately adverse risks to the health and safety of children.	N/A	The Proposed Action does not entail particular risks to health and safety of children.
Responsibilities of Federal Agencies To Protect Migratory Birds	Executive Order 13186	Directs executive departments and agencies to take certain actions to further implement the Migratory Bird Treaty Act.	Addressed through NEPA process	Project would comply

Relevant Federal and State Environmental Laws and Regulations				
Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Floodplain Management and Protection of Wetlands [Executive Orders 11988 and 11990]				
Floodplain Management and Protection of Wetlands	44 CFR 9	These executive orders, regulations, and guidance establish procedures for avoidance of actions that would exacerbate flooding, evaluation of impacts, and involvement of the public and affected homeowners in the decision-making process.	Addressed through NEPA process, Section 404 permitting, and Floodplain permit from county	Project will comply
Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978	42 U.S.C. 4901 to 4918	Requires compliance with state and local noise laws and ordinances.	No permit required; administered through USDA/RD regulations.	Project would comply.
Noise Abatement and Control	24 CFR 51 Subpart B	Establishes noise protection standards.	HUD regulations specified by USDA/RD.	Included in AECI specifications for contractor.
Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers	40 CFR 201	Establishes noise emission standards for railroads.	EPA	Railroad connectors would need to comply.

Relevant Federal and State Environmental Laws and Regulations				
Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Federal Aviation Act of 1958, as amended [49 USC 1101, et seq.]				
Objects Affecting Navigable Airspace	14 CFR Part 77	Requires compliance with the Federal Aviation Administration (FAA) to identify any potential impacts, such as emissions or height of construction, on air safety and navigable airspace.	FAA regulations. If any part of the project exceeds notification criteria under FAR Part 77, notice should be filed at least 30 days prior to the proposed construction date. Questions concerning this matter should be directed to Ms. Brenda Mumper at (816) 329-2524.	Plant stack (chimney) will have lighting in accordance with FAA requirements. Air fields avoided in siting. Project will comply.
Resource Conservation and Recovery Act RCRA (Solid Waste Disposal Act) as amended [42 USC Sect. 6901-6992K]				

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Criteria for Classification of Soil Waste Disposal Facilities and Practices (Subtitle D)	40 CFR Part 257	Established criteria for use in determining which solid waste disposal facilities and practices pose a reasonable probability of adverse effects on health and the environment	MDNR	Landfill permit will be required.
Identification and Listing of Hazardous Waste (Subtitle C)	40 CFR Part 261	Defines characteristics of hazardous wastes and provides lists of hazardous wastes. Identifies solid wastes which are subject to regulation as hazardous wastes under CFR Parts 124, 262-265, 268, 270, and 271	EPA, MDNR	AECI to include in contract specifications.
Releases from Solid Waste Management Units	40 CFR Part 264.94	Subpart F (264.94) gives concentration limits in groundwater for hazardous constituents from a regulated unit.	MDNR	Landfill permit.

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Guidelines for the Land Disposal of Solid Wastes	40 CFR Part 241	Delineates minimum levels of performance required of any solid waste land disposal site operation; provides mandates for federal agencies. Primarily addresses design and operation of solid waste landfills.	MDNR	Landfill permit.
Hazardous Waste Management Systems General	Subtitle C 40 CFR Part 260	Provides definitions, general standards, and information applicable to 40 CFR Parts 260-265, 268.	EPA, MDNR	AECI to include in contract specifications.
Standards Applicable to Generators of Hazardous Waste	Subtitle C 40 CFR Part 262	Establishes standards for generators of hazardous waste.	EPA, MDNR	AECI to include in contract specifications.
Standards Applicable to Transporters of Hazardous Waste	Subtitle C 40 CFR Part 263	Establishes standards which apply to transporting hazardous waste within the U.S. if the transportation requires a manifest under 40 CFR Part 262.	EPA, MDNR	AECI to include in contract specifications.
Hazardous Waste Permit Program	40 CFR Part 270	Establishes provisions covering basic EPA permitting requirements.	EPA, MDNR	AECI to include in contract specifications.

Relevant Federal and State Environmental Laws and Regulations				
Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Clean Air Act (CAA), as amended [42 USCA Sect. 7401-7671Q]				
National Primary and Secondary Ambient Air Quality Standards (NAAQS)	40 CFR Part 50	Establishes ambient air quality standards for certain "criteria pollutants" to protect public health and welfare.	MDNR	Air permit
National Emission Standards for Hazardous Air Pollutants (NESHAPS)	40 CFR Part 61	Provides standards for emissions of designated hazardous air pollutants, including mercury, beryllium, asbestos, and inorganic arsenic, from certain activities	MDNR	Air permit
<u>Asbestos Projects— abatement, registration, certification, notification.</u>	<u>10 CSR 10-6.240 to 10-6.250</u>	<u>Requirements for Asbestos projects including demolition.</u>	<u>MDNR</u>	<u>AECI to include in contract specifications if applicable.</u>
Hazardous Materials Transportation Act [40 USCA Sect. 1801-1813]				
Hazardous Materials Transportation Regulations	40 CFR Parts 107, 171-177	Regulates transportation of hazardous materials	USDOT	AECI to include in contract specifications.
Occupation Safety and Health Act of 1970 [PL 91-956, 29 USCA Sect. 651-678]				
Occupational Safety and Health Standards	29 CFR Part 1910	Establishes safety and health requirements for personnel working with hazardous materials and hazardous waste.	OSHA	AECI to include in contract specifications.

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Safety and Health Regulations for Construction	29 CFR Part 1926	Establishes protection standards (e.g., hazard communication, excavation and trenching requirements) for workers involved in hazardous waste operations.	OSHA	AECI to include in contract specifications.
Archaeological and Historic Preservation Act of 1974	16 USCA 469 36 CFR Part 65 40 CFR 6301(c)	Established procedures to provide for preservation of historical and archaeological data which might be destroyed through alteration of terrain as a result of a federal construction project or a federally licensed activity or program.	Missouri SHPO	Concurrence from SHPO on NRHP eligibility and required actions
Native American Graves Protection and Repatriation Act	PL 101-601	Requires that if Native American remains or cultural items are found on federal lands, the appropriate tribe must be notified, and all activity in the area of discovery must cease for at least 30 days.	Missouri SHPO/tribal coordination	Notification

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Antiquities Act of 1906	16 USC 431-433 15 USC 461-467 43 CFR Part 3	Provides for protection of historic and prehistoric ruins and objects on federal lands.	Missouri SHPO	Concurrence from SHPO on NRHP eligibility and required actions
Endangered Species Act	16 USC 1531-1544 50 CFR part 200 50 CFR Part 402	Protects endangered species and the critical habitats upon which endangered species depend.	USFWS by coordination through NEPA process; consultation may be required	Project would comply
Wild and Scenic Rivers Act	16 U.S.C. 1271	Protects designated rivers.	The only Wild and Scenic River in Missouri, the Eleven Point, is administered by the U.S. Forest Service.	Project is not near any Wild and Scenic Rivers.

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
<p>National Historic Preservation Act of 1966, Section 106</p>	<p>16 USC 470</p>	<p>Provides the framework for federal review and protection of cultural resources, and to ensure that they are considered during federal project planning and execution. The implementing regulations for Section 106 process (36 CFR 800) have been developed by the Advisory Council on Historic Preservation (ACHP). The Secretary of the Interior maintains a National Register of Historic Places (NRHP) and sets forth significance criteria for inclusion in the register. Cultural resources included in the NRHP, or determined eligible for inclusion, are considered "historic properties" for the purpose of consideration by federal undertakings.</p>	<p>Missouri SHPO</p>	<p>Concurrence from SHPO on NRHP eligibility and required actions</p>

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
<i>State</i>				
The Wildlife and Forestry Law - Endangered species	RSMo 252.240	Authorizes the Missouri Department of Conservation to identify endangered plants and animals by regulation.	MDC, coordination through NEPA process	Project would comply
Wildlife Code, Endangered Species	3 CSR 10-4.111	This rule extends special protection to endangered wildlife and lists those species considered to be threatened with extinction.	MDC, coordination through NEPA process	Project would comply
Public Drinking Water Act	RSMo 640.100-140	Establishes a Safe Drinking Water Commission with authority to establish regulations to implement federal Safe Drinking Water Act.	MDNR	AECI would need to comply if wells are used for a drinking water source.
Public Drinking Water Regulations.	10 CSR 60	Rules to implement Public Drinking Water Act.	MDNR.	AECI would need permit to dispense and treatment plant operator certification if wells are used for a drinking water source.
State Parks and Historic Preservation	RSMo 253.022	Authorizes the Missouri Department of Natural Resources to administer the National Historic Preservation Act of 1966.	Missouri SHPO	Concurrence from SHPO on NRHP eligibility and required actions

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Geology, Water Resources and Geodetic Survey	RSMo 256.410	Requires filing for major water users.	MDNR	AECI will file notice.
Missouri Clean Water Law [RSMo 644]				
Effluent Regulations	10 CSR 20-7.015	This rule sets forth the limits for various pollutants which are discharged to the various waters of the state. The two previous rules 10 CSR 20-6.050 and 10 CSR 20-7.010 have been rescinded and this rule combines certain aspects of both rules and modifies the format of the effluent regulations.	MDNR	NPDES permit
Storm Water Regulations	10 CSR 20-6.200	Missouri has also established a storm water permit program under the Missouri Clean Water Law and applicable regulations, which meets the requirements of the national NPDES program.	The MDNR issues a Missouri state Operating Permit in response to project application made under this program.	SWPPP required

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Water Quality Standards	10 CSR 20-7.031	This rule identifies beneficial uses of waters of the state, criteria to protect those uses and defines the antidegradation policy. It is developed in response to the Missouri Clean Water Law and the federal Clean Water Act, Section 303(c)(1) and (2), which requires that state water quality standards be reviewed at least once every three years.	MDNR	Through discharge permits and SWPP
Treatment Plant Operations	10 CSR 20 Chapter 9	<u>Regulates waste water treatment plant operations.</u>	MDNR	<u>Treatment plant construction permit, operating permit, and operator certification.</u>
Missouri Solid Waste Rules [RSMo 260]				
Utility Waste Landfill	10 CSR 80 Chapter 11	This rule pertains to the design and operation of a utility waste landfill.	MDNR	Landfill permit
Water Well Drillers Act	RSMo 256.600-256.640	Establishes standards to protect Missouri groundwater.	MDNR	AECI to include in contract specifications.

Relevant Federal and State Environmental Laws and Regulations

Standard, Requirement, Criteria, or Limitation	Citation	Description	Administration and Permitting	Compliance
Well Construction Rules	3 CSR 23 Chapters 1 through 6	Defines specific requirements for protection of Missouri groundwater, for example, regarding construction of wells and required setbacks from potential sources of pollution.	MDNR. Well construction permit required.	AECI to include in contract specifications.
<u>Missouri Air Pollution Control Rules, Open Burning Restrictions</u>	<u>10 CSR 10-3.030</u>	<u>Describes restrictions on open burning.</u>	<u>MDNR. Open burning permit required if any open burning during construction is planned.</u>	<u>Required compliance is included in contract specifications.</u>