

Appendix L
Applicable Laws, Regulations, Executive Orders, and DOE Orders

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Appendix L

Applicable Laws, Regulations, Executive Orders, and DOE Orders

Permits and approvals are required for the expansion of the storage capacity of the SPR from 727 million to 1.0 billion barrels by expanding existing Strategic Petroleum Reserve (SPR) storage sites in Texas, Louisiana, or both, and creating one new site in Texas, Mississippi, or Louisiana. Permits regulate many aspects of facility construction and operations, including the quality of construction, fugitive dust control requirements, and discharges of effluents to the environment. These permits would be obtained, as required, from the appropriate Federal, State, and local agencies.

Table L-1 identifies the major Federal and State laws, regulations, Executive Orders, and other compliance actions that apply to the proposed projects. The Department of Energy (DOE) would conduct its operations in an environmentally safe manner and in compliance with all applicable statutes, regulations, and standards.

Table L-2 lists the DOE Orders that are potentially relevant. DOE Orders are part of the DOE Directives, which are official communications of policies, requirements, and procedures and encompass the Orders, Policies, Orders, Notices, Manuals, and Guides that are intended to direct, guide, inform, and instruct employees in the performance of their jobs and enable them to work effectively within DOE and with agencies, contractors, and the public.

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Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
Air Resources (Federal)	CAA	42 U.S.C. 7401 et seq.	EPA	Requires sources to meet standards and obtain permits to satisfy NAAQS, SIPs, NSPS, NESHAPs, and NSR.
	CAA: NAAQS SIP	42 U.S.C. 7409 et seq.	EPA	Requires compliance with primary and secondary ambient air quality standards governing SO ₂ , NO _x , CO, O ₃ , Pb, and particulate matter, and emission limits/reduction measures as designated in each state's SIP.
Air Resources (Louisiana)	Chapter 2, Rules and Regulations for the Fee System of the Air Quality Control Programs	LAC Title 33 Part 3	LDEQ	Establishes fees for DEQ air emissions permits, including for major sources. Covers both application fees and annual fees. Lists in table 1 the fee schedule with fees 1340 to 1368 covering petroleum storage and pipelines, fees 2200 through 2310 covering AT fees, and fees 2600 through 2630 covering accident prevention program annual fees.
	Chapter 5, Permit Procedures	LAC Title 33 Part 3	LDEQ	Contains permit rules for all sources of air pollution in the State. Covers major (and other) sources and pipelines. Contains insignificant activities list. Establishes in section 504, table 1, threshold levels for major sources. Establishes in section 509, table A, "Stationary Sources of Air Pollutants," including "petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels." Matches the Federal definition of major sources. Establishes in section 515 specific pipeline requirements.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Chapter 6, Regulations on Control of Emissions through the Use of Emissions Reductions Credit Banking	LAC Title 33 Part 3	LDEQ	Establishes an emissions credit banking program for major sources to allow for offsets of emissions.
	Chapter 7, Ambient Air Quality	LAC Title 33 Part 3	LDEQ	Establishes ambient air quality standards for the State. Includes provisions for sulfur dioxide.
	Chapter 9, General Regulations on Control of Emissions and Emissions Standards	LAC Title 33 Part 3	LDEQ	Establishes requirements for new sources, reporting, and data requirements including emissions inventories.
	Chapter 15, Emission Standards for Sulfur Dioxide	LAC Title 33 Part 3	LDEQ	Contains emission regulations for sulfur dioxide and hydrogen sulfide.
	Chapter 21, Control of Emission of Organic Compounds	LAC Title 33 Part 3	LDEQ	Sets standards for VOC emission levels, mostly covering standards for above-ground storage tanks. Covers in section 2104 crude oil and condensate; in section 2107, loading requirements; in section 2109, oil and water separation; in section 2111, pumps and compressors; in section 2115, waste gas disposal; in section 2122, fugitive emissions; and sets controls in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Point Coupee, and West Baton Rouge. Covers in section 2153 emissions from industrial wastewater.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Chapter 29, Odor Regulations	LAC Title 33 Part 3	LDEQ	Establishes odor regulations and testing procedures for all odor sources.
	Chapter 30, Standards for New Stationary Sources (NSPS)	LAC Title 33 Part 3	LDEQ	Establishes NSPS standards. Incorporates by reference, for the most part, 40 CFR 60.
	Chapter 51, Comprehensive Toxic Air Pollutant Emission Control Plan	LAC Title 33 Part 3	LDEQ	Establishes AT program for owners of major sources in Louisiana, including MACT standards and reporting requirements.
	Chapter 59, Chemical Accident Prevention and Minimization of Consequences	LAC Title 33 Part 3	LDEQ	Contains accidental release requirements as well as risk management requirements. Incorporates 40 CFR 68 by reference.
Air Resources (Mississippi)	APC-S-1, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants, Section 4.	MSC 49-17-01 et seq.	MDEQ	Contains specific criteria for sources of sulfur compounds, including odor and opacity requirements.
	APC-S-1, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants, Section 5.	MSC 49-17-01 et seq.	MDEQ	Contains criteria for sources of chemical emissions not otherwise regulated.

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Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	APC-S-1, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants, Section 6.	MSC 49-17-01 et seq.	MDEQ	Embodies regulations for new sources of air emissions. Incorporates by reference 40 CFR 60.
	APC-S-1, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants, Section 8.	MSC 49-17-01 et seq.	MDEQ	Contains regulations concerning the production of HAPs. Incorporates by reference 40 CFR 61 and 40 CFR 63. Also incorporates Federal MACT requirements by reference.
	APC-S-2: Permit Regulation for the Construction and/or Operations of Air Emissions Equipment	MSC 49-17-01 et seq.	MDEQ	Establishes permitting requirements for new sources of air pollution sources in Mississippi. Establishes that the Permit Board will issue two types of air pollution control permits, a permit to construct air emissions equipment and a State Permit to Operate such equipment. A State Permit to Operate is required for synthetic minor sources, major Title V sources, and significant minor sources.
	APC-S-3: Mississippi Regulations for the Prevention of Air Pollution Emergency Episodes	MSC 49-17-01 et seq.	MDEQ	Requires notification of appropriate state agencies in an emissions event. Establishes alert levels for different emissions events and pollutants including sulfur dioxide. Lists emissions reductions objectives for hydrocarbons in table 4.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

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	APC-S-4: Ambient Air Quality Standards	MSC 49-17-01 et seq.	MDEQ	<p>States that except for odor (covered below), the ambient air quality standards for Mississippi shall be the Primary and Secondary National Ambient Air Quality Standards as duly promulgated by the U.S. Environmental Protection Agency in (or to be printed in) 40 CFR Part 50, pursuant to the Federal Clean Air Act, as amended.</p> <p>States that no odorous substances shall be released into the ambient air in concentrations sufficient to adversely and unreasonably:</p> <ul style="list-style-type: none"> (1) affect human health and well-being; (2) interfere with the use or enjoyment of property; <p>or</p> <ul style="list-style-type: none"> (3) affect plant or animal life.
	APC-S-5: Mississippi Regulations for the Prevention of the Significant Deterioration (PSD) of Air Quality	MSC 49-17-01 et seq.	MDEQ	Establishes PSD criteria for Mississippi air. Incorporates by reference 40 CFR 52.21.
	APC-S-6: Air Emissions Operating Permit Regulations for the Purposes of Title V of the Clean Air Act	MSC 49-17-01 et seq.	MDEQ	Defines requirements for Title V permits, including major source categories and levels, permit applications, issuance, fees, and insignificant activities. Includes in the definitions of major sources: "petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels," which matches the Federal definition of major sources.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	APC-S-8: Air Toxics Regulations	MSC 49-17-01 et seq.	MDEQ	Regulates case-by-case maximum achievable control technology (MACT) applicable to facilities affected by the requirements of section 112(g) of the Federal Clean Air Act as those regulations duly promulgated by the United States Environmental Protection Agency in (or to be printed in) Subpart B of Part 63 of Title 40 of the Code of Federal Regulations (CFR).
Air Resources (Texas)	Emissions Events and Scheduled Maintenance, Startup and Shutdown Activities	30 TAC Chapter 101	TCEQ	Requires notification of appropriate state agencies in an emissions event. Contains "nuisance odor" rule in section 101.4.
	Control of Pollution from Volatile Organic Compounds	30 TAC Chapter 115	TCEQ	States in subchapter C the requirements for transfer operations.
	Control of Hydrogen Sulfide: Allowable off property concentrations (ambient standards) and Calculation methods	30 TAC Chapter 112	TCEQ	Establishes emission rates for sulfur dioxide emissions. Also contains provision for odor controls related to hydrogen sulfite (sections 112.31 to 112.34).
	Permits by Rule: Control of Air Pollution by Permits for New Construction or Modification	30 TAC Chapter 116	TCEQ	Controls the permission to construct and contains definitions for how non-attainment areas are handled, as well as PSD review definitions. Contains rules in subchapter O, sections 106.351 to 106.355 for oil and gas facilities.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Air GOP No. 511: Oil and Gas General Operating Permit	30 TAC Chapter 122	TCEQ	Contains provisions for obtaining an Oil and Gas General Operating Permit for Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties.
	Air GOP No. 514: Oil and Gas General Operating Permit	30 TAC Chapter 122	TCEQ	Contains provisions for obtaining an Oil and Gas General Operating Permit for all Texas Counties except Aransas, Bexar, Brazoria, Calhoun, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Matagorda, Montgomery, San Patricio, Tarrant, Travis, Victoria, and Waller.
	Air GOP No. 515: Bulk Fuel Terminal General Operating Permit	30 TAC Chapter 122	TCEQ	Issues Bulk Fuel Terminal General Operating Permit Number 515, developed for use by petroleum bulk stations and terminals industry sites. Petroleum bulk stations and terminals industry sites are primarily engaged in the wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas from bulk liquid storage facilities. The permit holders of GOP No. 515 were required to submit an application for a site operating permit on or before September 1, 2004.
	Routine Maintenance, Startup and Shutdown of Facilities, and Temporary Maintenance Facilities	30 TAC 106.263	TCEQ	Authorizes routine maintenance, start-up and shutdown of facilities, and specific temporary maintenance facilities if operations meet certain conditions.
Biological Resources (Federal)	Bald and Golden Eagle Protection Act	16 U.S.C. 668 et seq.	USFWS	Consultations should be conducted to determine if any protected birds are found to inhabit the area. If so, DOE must obtain a permit that may be required because of construction or operation of project facilities before moving any nests.

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Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Clean Water Act, as amended	33 U.S.C. 1313 (Section 404)	U.S. Army Corps of Engineers	Requires permits for discharge or fill placed in jurisdictional waters, including wetlands. Requires alternatives analysis including practicable alternatives that avoid impacts (404b(1) guidelines).
	Endangered Species Act	16 U.S.C. 1531 et seq.	USFWS	Requires consultation to identify endangered or threatened species and their habitats, assess impacts, obtain necessary biological opinions, and, if necessary, develop mitigation measures to reduce or eliminate adverse effects of construction or operations.
	E.O. 13112: Invasive Species	64 FR 6183 February 8, 1999	Federal agencies	Requires agencies, to the extent practicable and permitted by law, to prevent the introduction of invasive species; to provide for their control; and to minimize the economic, ecological, and human health impacts that invasive species cause.
	E.O. 13186, Responsibilities of Federal Agencies to Protect Migratory Birds	66 FR 63349 December 6, 2001	Federal agencies	Requires Federal agencies to avoid or minimize the negative impacts of their actions on migratory birds and to take active steps to protect birds and their habitats.
	Fish and Wildlife Coordination Act	16 U.S.C. 661-667e March 10, 1934	USFWS	Provides the basic authority for USFWS involvement in evaluating impacts to fish and wildlife from proposed water resource development projects.
	Forest Service Manual: Title 2600 – Wildlife, Fish, and Sensitive Plant Habitat Management	Amendment No. 2600-91-5, July 19, 1991	U.S. Forest Service	Provides a process and standard by which to ensure that threatened and endangered, proposed, and sensitive species receive full consideration; requires Federal agencies to comply with requirements for critical habitat of federally listed species; and ensures that Forest Service actions do not contribute to loss of viability of any native or desired non-native plant and do not contribute to animal species or trends towards Federal listing of any species.

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Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Magnuson-Stevens Fishery Conservation and Management Act	16 U.S.C. 1801 et seq.	NOAA Fisheries	Requires consultation with NOAA Fisheries and assessment of impacts from activities that may affect Essential Fish Habitat and managed species.
	Marine Mammal Protection Act	16 U.S.C. 1361-1421h	Department of Commerce and Department of Interior, USFWS	Establishes a Federal responsibility to conserve marine mammals, with management vested in the Department of Commerce for cetaceans and pinnipeds other than walrus. The Department of the Interior is responsible for all other marine mammals, including sea otter, walrus, polar bear, dugong, and manatee. The act generally assigns identical responsibilities to the secretaries of the two departments.
	Migratory Bird Treaty Act	16 U.S.C. 703 et seq.	USFWS	Requires consultation to determine whether construction or operation of project facilities has any impacts on migrating bird populations.
Biological Resources (Louisiana)	Chapter 3, Statewide Flood Control Program	LAC Title 56 Part 3	Louisiana Wildlife and Fisheries Commission	States that subchapter C contains requirements for determining the effects of projects on threatened and endangered species; these regulations appear to apply primarily to flood control projects, but may have applicability to projects that otherwise affect water flow.
	Chapter 3, Special Powers and Duties	LAC Title 76 Part 1	Louisiana Wildlife and Fisheries Commission	States that subchapter E lists threatened and endangered species in Louisiana.
Biological Resources (Mississippi)	Non-Game and Endangered Species Conservation	MSC 49-5-101 et seq.	Mississippi Commission on Wildlife, Fisheries and Parks	Establishes Mississippi regulations concerning the handling of nongame and endangered species; chapter 111 grants specific permissions permission to remove, capture, or destroy endangered species.

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Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Mississippi Natural Heritage	MSC 49-5-141 et seq.	Mississippi Commission on Wildlife, Fisheries and Parks	Allows Mississippi to establish natural heritage areas including those containing threatened and endangered species.
Biological Resources (Texas)	Subchapter G. Threatened and Endangered Non-Game Species	31 TAC Chapter 65	Texas Parks and Wildlife Department	Contains lists of threatened and endangered species and other provisions, as well as regulations and penalties concerning such listed species.
	Subchapter A. Endangered, Threatened and Protected Native Plants	31 TAC Chapter 69	Texas Parks and Wildlife Department	Contains lists of threatened, endangered, and protected plants and other provisions including permitting requirements. Contains penalties concerning unauthorized removal or destruction of plants.
Cultural Resources (Federal)	American Antiquities Act	16 U.S.C. 431 et seq.	Each Federal land managing agency	Requires the agency to protect historic and prehistoric ruins, monuments, and objects of antiquity including vertebrate paleontological resources, on lands owned or controlled by the Federal Government.
	American Indian Religious Freedom Act	42 U.S.C 1996	Each Federal agency	Establishes Federal policy to protect and preserve the right of American Indians to believe, express, and exercise their religions. Requires agencies to prepare a report evaluating how their actions might interfere with these beliefs, expressions, and actions.
	Archeological and Historic Preservation Act	16 U.S.C. 469 et seq.	Each Federal agency	Authorizes all Federal agencies to expand program or project funds to evaluate, protect, or recover archeological and historical data jeopardized by their projects; explicitly calls for analysis and publication of data.
	Archaeological Resources Protection Act	16 U.S.C. 470aa et seq.	Each Federal land managing agency (in this case, DOE, DOI, USDA)	Requires a permit for excavation or removal of archaeological resources from publicly held or Native American lands.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Executive Order 13007	61 FR 26771	All Federal agencies	Directs Federal agencies to avoid adverse effects to sacred sites and provide access to those sites for religious practices, and to plan projects to provide protection for and access to sacred sites.
	Native American Graves Protection and Repatriation Act	25 U.S.C. 3001	DOI	Requires the development of procedures to address unexpected discoveries of Native American graves or cultural items during activities on Federal or tribal land.
	National Historic Preservation Act, as amended	16 U.S.C. 470 et seq.	Each Federal agency (in this case, DOE)	States that for a Federal undertaking, section 106 requires consultation with State historic preservation officers, federally recognized tribes, and other consulting parties to evaluate effects on historic properties (properties eligible for listing in the National Register of Historic Places), and consider ways to avoid effects or reduce them to the level of no adverse effect.
	Protection of Historic Properties	36 CFR 800	Advisory Council on Historic Preservation	Lists implementing regulations that specify process for above-listed requirements of section 106 of National Register of Historic Places.
Cultural Resources (Louisiana)	Archeological Treasures Act	Louisiana Revised Statutes 41:1601-1613	Louisiana Departments of Archaeology and Historic Preservation	Declares State policy to protect and preserve archaeological sites that have scientific value and are of historic interest to the public.
	Louisiana Unmarked Human Burial Sites Act	Louisiana Revised Statutes 8:673	Louisiana Department of Culture, Recreation, and Tourism	Protects unmarked human burials on both public and private lands.

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Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
Cultural Resources (Mississippi)	Antiquities Law of Mississippi	Title 39 Chapter 7, Mississippi Code of 1972 as amended	Board of Trustees of the Mississippi Department of Archives and History	Declares State policy to protect and preserve archaeological sites that have scientific value and are of historic interest to the public. Provides for a State landmark program; requires permits for excavations or alterations of State landmarks; prohibits disturbance of Native American human burials
Cultural Resources (Texas)	Antiquities Code of Texas	Title 9 Chapter 191, Texas Natural Resources Code	Texas Historical Commission	Requires archeological surveys ahead of ground disturbance on State or local public lands; requires permits that authorize archeological studies before construction.
Land Use (Federal)	Coastal Zone Management Act, as amended	16 U.S.C. 1451 et seq.	Various state agencies	Protects the coastal environment from growing demands associated with residential, recreational, commercial, and industrial uses. Provisions help States develop Coastal Zone Management Plans to manage and balance competing uses of the coastal zone. For major projects, requires consultation with the state agency delegated to administer the CZMA and requires securing a determination of consistency with a state's Coastal Management Plan.
	Farmland Protection Policy Act	7 U.S.C. 4201 et seq.	NRCS, USDA	Minimizes any adverse effects to prime and unique farmlands.
Noise (Federal)	Noise Control Act	42 U.S.C. 4901 et seq.	EPA	Requires facilities to maintain noise levels that do not jeopardize the health and safety of the public. Applicable to construction noise.

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Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Gulf Islands National Seashore	16 U.S.C. 459h-1	DOI, NPS	The enabling legislation for the Gulf Island National Seashore, states the Secretary of the Interior, subject to appropriate environmental regulations, will permit additional gas and oil rights-of-way and easements as he deems necessary and proper.
	The Wilderness Act of 1964	16 U.S.C. 1131-1136	Federal Land Management Agencies	Places restraints on development on or near proposed or designated wilderness areas.
	Title 36 - Parks, Forests, and Public Property, Chapter 1 - National Park Service, DOI	36 C.F.R. 14	NPS	Sets standards for rights-of-way on NPS administered lands.
Water Resources (Federal)	Clean Water Act, as amended	33 U.S.C. 1251 et seq. (Sections 401 and 402)	State agencies	Requires EPA or state-issued permits, NPDES permits, and compliance with provisions of permits regarding discharge of effluents to surface waters and additional wetland protection requirements.
	Clean Water Act, as amended	33 U.S.C. 1313 (Section 404)	U.S. Army Corps of Engineers	Requires permits for discharge or fill placed in jurisdictional waters, including wetlands. Requires alternatives analysis including practicable alternatives that avoid impacts (404b(1) guidelines). The permit application process in Louisiana may require a Water Quality Certification from the Louisiana Department of Environmental Quality.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	E.O. 11988: Floodplain Management; E.O. 11990: Protection of Wetlands Management	42 FR 26951 May 24, 1977 42 FR 26961 May 24, 1977 10 CFR 1022 (implementing regulations)	Federal agencies	Requires that where there is no practicable alternative to development in floodplains and wetlands, Federal agencies are required to prepare a floodplains and wetlands assessment, design mitigation measures, and provide public review. For floodplain involvement, Federal agencies must issue a Floodplain Statement of Findings. DOE will coordinate its review with other appropriate Federal agencies. Where applicable, DOE will combine floodplains and wetlands assessments, public review, and statement of findings with the NEPA process.
	Safe Drinking Water Act	42 U.S.C 300j-9(i) Dec 12, 1974	EPA	Establishes a Federal program to monitor and increase the safety of the nation's drinking water supply. The Act instructs EPA to establish a national program to prevent underground injections of contaminated fluids that would endanger drinking water sources. Applicable to underground injection wells used for brine disposal.
Water Resources (Louisiana)	Chapter 3, Permits	LAC Title 33 Part 9	LDEQ	Prescribes procedures and guidelines for implementation and operation of the Louisiana Water Discharge Permit System (LWDPS). Requires that an LWDPS permit be obtained before any construction begins that may introduce pollutants to the waters of Louisiana.
	Chapter 9, Spill Prevention and Control	LAC Title 33 Part 9	LDEQ	Sets spill prevention requirements for facilities operating in Louisiana.
	Chapter 11, Surface Water Quality Standards	LAC Title 33 Part 9	LDEQ	Sets surface water quality standards for Louisiana waters.
	Subchapter B (Chapters 31 through 47), The Louisiana Pollutant Discharge Elimination System (LPDES) Program	LAC Title 33 Part 9	LDEQ	Defines the requirements for the Louisiana LPDES program, which applies to all facilities that come under the jurisdiction of the Federal NPDES program.

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Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Costal Wetlands Planning Protection and Restoration Act (CWPPRA) and proposed Louisiana Coastal Area Ecosystem Restoration Plan	Pittman-Robertson Wildlife Restoration Act Amendment (PL 106-408)	U.S. Army Corps of Engineers and LDEQ	Proposed projects are to be reviewed by the U.S. Army Corps of Engineers and Louisiana Department of Environmental Quality for consistency with projects developed and being conducted under the Costal Wetlands Planning Protection and Restoration Act and proposed Louisiana Coastal Area Ecosystem Restoration Plan.
Water Resources (Mississippi)	LW-2: Surface Water and Groundwater Use and Protection	MSC 49-17-01 et seq.	MDEQ	Establishes that all water, whether occurring on the surface of the ground or underneath the surface of the ground, is subject to the provisions of the regulation.
	WPC-1: Wastewater Regulations for National Pollutant Discharge Elimination System (NPDES) Permits, Underground Injection Control (UIC) Permits, State Permits, Water Quality Based Effluent Limitations and Water Quality Certification	MSC 49-17-01 et seq.	MDEQ	Provides Mississippi's implementation of the Federal NPDES system. Regulates the use of wetlands, both natural and artificial, when they receive a discharge stream from a source. The text of the regulation states that "Unless otherwise provided by these regulations, natural wetlands shall not be used to meet a facility's final effluent limits or to achieve pollutant levels necessary to meet the State's Water Quality Criteria in the waterbody immediately downstream."
	WPC-2: Water Quality Criteria for Intrastate, Interstate, and Coastal Waters	MSC 49-17-01 et seq.	MDEQ	Sets State policy to "protect water quality existing at the time these water quality standards were adopted and to upgrade or enhance water quality within the State of Mississippi." States that "Waters shall be free from floating debris, oil, scum, and other floating materials attributable to municipal, industrial, agricultural, or other discharges in amounts sufficient to be unsightly or deleterious."

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Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
Water Resources (Texas)	General Permits for Waste Discharges	30 TAC Chapter 205	TCEQ	Provides that the commission may issue a general permit to authorize the discharge of waste into or adjacent to water in the state depending on the nature of the discharge and the surrounding water bodies.
	Criteria and Standards for the National Pollutant Discharge Elimination System	30 TAC Chapter 308	TCEQ	Defines the requirements for the Texas Pollutant Discharge Elimination System (TPDES), the Texas implementation of the NPDES program. This applies to all facilities that fall under the jurisdiction of the Federal NPDES program.
	Spill Prevention and Control	30 TAC Chapter 327	TCEQ	Contains requirements for spill prevention and control, including oil- related spills.
Worker Safety and Health (Federal)	Occupational Safety and Health Act	29 U.S.C. 651 et seq.	OSHA	Requires agencies to comply with all applicable work safety and health legislation (including guidelines of 29 CFR 1960) and prepare, or have available, Material Safety Data Sheets.
	Hazard Communication Standard	29 CFR 1910.1200	OSHA	Requires DOE to ensure that workers are informed of all chemical hazards in the DOE workplace and are trained to handle them.
Other (Federal)	NEPA	42 U.S.C. 4321 et seq. 40 CFR 1500-1508	CEQ	Follows 40 CFR 1500-1508, which directs all Federal agencies in the implementation of NEPA; DOE NEPA regulations are in 10 CFR Part 1021.
	E.O. 12088: Federal Compliance with Pollution Control Standards	43 FR 47707 October 17, 1978	Office of Management and Budget	Requires Federal agencies to consult with the EPA and state agencies regarding the best techniques and methods for the prevention, control, and abatement of environmental pollution.
	Hazardous materials transportation law	49 U.S.C. 51015127 et seq.	DOT	Requires compliance with the requirements governing hazardous materials and waste transportation. Applies primarily to the construction phase.

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Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Marine Transportation Security Act of 2002	46 U.S.C. 70101 et seq.	U.S. Coast Guard	Specifies that all U.S. port facilities deemed at risk for a transportation security incident such as fossil fuel processing and storage facilities, must prepare and implement security plans for deterring such incidents to the "maximum extent practicable."
	Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities	40 CFR 112	EPA	Establishes procedures, methods, equipment, and other requirements to prevent discharges of oil from vessels and facilities and contain such discharges. Requires Spill Prevention, Control, and Countermeasure Plans, and Facility Response Plans. Regulations apply to non-transportation-related onshore facilities.
	Toxic Substances Control Act	42 U.S.C. 2601 et seq.	EPA	Requires compliance with inventory reporting requirements and chemical control provisions of TSCA to protect the public from the risks of exposure to chemicals. TSCA imposes strict limitations on the use and disposal of PCB-contaminated equipment. Applicable primarily to the construction phase.
	E.O. 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	59 FR 7629 February 16, 1994	EPA	Requires Federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.
	Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace	FAA AC No. 70/460-2K	FAA	Requires that each proponent of a project that could pose an aviation hazard must file a "Notice of Proposed Construction or Alteration" (Form 7640) with the FAA. Applies to electricity transmission lines.
	Obstruction Marking and Lighting	FAA AC No. 70/460-1K	FAA	States that objects that may pose a navigation hazard must be marked and lighted according to FAA standards established using the criteria in 14 CFR 77. Applies to electricity transmission lines.

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Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
Other (Texas)	Texas Administrative Code: Underground Storage of Liquid or Liquefied Hydrocarbons in Salt Formations	16 TAC 3.95 (d) (1)	Railroad Commission of Texas	Establishes policy that an underground hydrocarbon storage facility may be created, operated, or maintained only in an impermeable salt formation in a manner that will prevent waste of the stored hydrocarbons, uncontrolled escape of hydrocarbons, pollution of fresh water, and danger to life or property.

^a Abbreviations: AC = Advisory Circular; AT = air toxics; CAA = Clean Air Act; CEQ = Council on Environmental Quality; CFR = *Code of Federal Regulations*; CO = carbon monoxide; CWA = Clean Water Act; CZMA = Coastal Zone Management Act; DOE = U.S. Department of Energy; DOI = U.S. Department of Interior; DOT = U.S. Department of Transportation; E.O. = Executive Order; EPA = U.S. Environmental Protection Agency; ESA = Endangered Species Act; et seq. = *et sequentes*, which means "and the following"; FAA = Federal Aviation Administration; FR = *Federal Register*; HAP = hazardous air pollutant; LAC = Louisiana Administrative Code; LDEQ = Louisiana Department of Environmental Quality; LWDPS = Louisiana Water Discharge Permit System; MACT = maximum achievable control technology; MDEQ = Mississippi Department of Environmental Quality; MSC = Mississippi State Code; NAAQS = National Ambient Air Quality Standards; NEPA = National Environmental Policy Act; NESHAP = National Emission Standards for Hazardous Air Pollutants; NHPA = National Historic Preservation Act; NOAA = National Oceanic and Atmospheric Administration; NOx = nitrogen oxides; NPDES = National Pollutant Discharge Elimination System; NRCS = Natural Resources Conservation Service; NRHP = National Register of Historic Places; NSPS = New Source Performance Standard(s); NSR = New Source Review; O₃ = ozone; OSHA = Occupational Safety and Health Administration; Pb = lead; PCB = polychlorinated biphenyl; PSD = prevention of significant deterioration; ROW = right-of-way; SHPO = State Historic Preservation Officer; SIP = State Implementation Plan; SO₂ = sulfur dioxide; TAC = Texas Administrative Code; TCEQ = Texas Commission on Environmental Quality; TMDL = total maximum daily load; TPDES = Texas Pollutant Discharge Elimination System; TSCA = Toxic Substances Control Act; U.S.C. = *United States Code*; USDA = U.S. Department of Agriculture; USFWS = U.S. Fish and Wildlife Service; VOC = volatile organic compound.

Table L-2: DOE Orders Potentially Relevant to the Expansion and Operation of the Storage Capacity of the SPR^a

Order	Subject	Description
151.1C	Comprehensive emergency management	Establishes policy and assigns and describes roles and responsibilities for the DOE Emergency Management System, which provides the framework for development, coordination, control, and direction of all emergency planning, preparedness, readiness assurance, response, and recovery actions.
231.1A	Environment, safety, and health reporting	Establishes the requirements and procedures for information with environmental protection, safety, or protection significance for DOE operations.
252.1	Technical standards	Promotes the use of voluntary consensus standards by DOE, provides DOE with the means to develop needed technical standards, and manages overall technical standards information, activities, issues, and interactions.
413.3	Project management	Demonstrates that DOE will support the development of documentation for the critical-decision process.
414.1C	Quality assurance	Establishes an effective quality assurance management system using the performance requirements of this order, coupled with technical standards, where appropriate.
420.1B	Facilities Safety	Establishes facility and programmatic safety requirements for DOE facilities, including nuclear and explosives safety design criteria, fire protection, criticality safety, natural phenomena hazards mitigation, and the System Engineer Program.
430.1B	Real property asset management	Defines life-cycle asset management, building codes, and value engineering. Establishes procedures to follow in all phases of the management of DOE facilities.
430.2A	Energy management	Requires designs for facilities to be consistent with the Energy Management Plan, sustainable design, and water efficiency required by this Order.
440.1A	Worker protection management for DOE Federal and contractor employees	Establishes a comprehensive worker protection program that ensures that DOE and its contractor employees have an effective worker protection program to reduce or prevent injuries, illnesses, and accidental losses by providing DOE, Federal, and contractor workers with a safe and healthful workplace.
450.1	Environmental protection program	Establishes DOE policy to conduct its operations in an environmentally safe and sound manner and to conduct its activities in compliance with applicable laws and regulations through implementation of environmental management systems at DOE sites.
451.1B	National Environmental Policy Act compliance program	Establishes DOE requirements and responsibilities for implementing the NEPA, Council on Environmental Quality regulations, for implementing the procedural provisions of NEPA, and for the DOE procedures that implement NEPA.

Table L-2: DOE Orders Potentially Relevant to the Expansion and Operation of the Storage Capacity of the SPR^a

Order	Subject	Description
470.2B	Independent oversight and performance assurance program	Enhances the DOE safeguards and security; cyber security; emergency management; and environment, safety, and health programs by providing an independent evaluation of the adequacy of DOE policy and the effectiveness of line management performance.
5480.4	Environmental protection, safety, and health protection standards	Specifies and provides requirements for the application of the mandatory environmental protection, safety, and health standards applicable to all DOE and DOE contractor operations, provides a listing of reference safety and health standards, and identifies the sources of the mandatory and reference safety and health standards.
5480.19	Conduct of operations requirements for DOE facilities	Provides requirements and guidelines for departments to use in developing directives, plans, and procedures for conducting operations at DOE facilities that should result in improved quality and uniformity of operations.

^a Abbreviations: DOE = U.S. Department of Energy; NEPA = National Environmental Policy Act; SPR = Strategic Petroleum Reserve.